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Fall 2011



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- The Legal Implications Arising from Economic and Social Reconstruction as an Aspect of Peace Support Operations

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- Disputes Over Water Resources: A History of Conflict and Cooperation in Drainage Basins

Shavkat Kasymov

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Asymmetry in Cross-Conflict Collaboration: Is There a Gender Factor?

Galia Golan

Abstract

Asymmetry of power is an acknowledged phenomenon in negotiation, and there are a number of devices for dealing with it. Similarly, alternative dispute resolution seeks to neutralize asymmetry of power by using an interest-based model of cross-conflict collaboration, but research has indicated that asymmetry persists nonetheless. The role of gender in negotiation has been researched, and to a far lesser degree, also with regard to alternative dispute resolution. Some of the gender in negotiation research has introduced the element of asymmetry of power as well. Prompted by the highlighting of asymmetry in Israeli-Palestinian all-women alternative dispute resolution (cross-conflict collaboration), the present article seeks to determine the role of gender, comparing asymmetry in mixed groups with all-women's groups. A qualitative analysis, based on observations over decades of personal experience, finds only differences of degree rather than essence between predominantly-male mixed and all-women's groups regarding the effects of asymmetry. The major exception to this lies in the centrality accorded the phenomenon by women but not by men, possibly attributable to gender differences in group relations and also the feminist character of the all-female groups.

Introduction

As an Israeli peace activist involved in many track-two/problem solving workshops and cooperative work between Israelis and Palestinians since the mid-1980s, I have found that the issue of asymmetry has become a prominent factor in such activities

amongst women. The purpose of this article is to try to examine the role asymmetry plays in such encounters and the impact of gender primarily in all-female Israeli-Palestinian groups. This is not an empirically-based quantitative study but rather a set of observations and subjective analyses based on my own experience in some fifteen to twenty different frameworks of encounters (totaling roughly over one hundred meetings) of Israelis and Palestinians in predominantly male groups and only somewhat fewer all-female groups including, for both types, groups engaged in sustained cooperation over a number of years. The meetings included some organized by outside third parties, abroad or in the region, others organized locally. The observations from my own experience will be preceded by a look at the literature on asymmetry, first in negotiation and then in cross-conflict collaboration, with attention to the work on Israeli-Palestinian groups, followed by a review of the literature on gender in negotiation and collaboration. In conclusion, a number of possible explanations for the differences, in particular the centrality of asymmetry in all-female groups will be suggested.

Asymmetry and Conflict Resolution

Asymmetry in conflicts is generally treated in international relations as asymmetry of power of protagonists, whether in a state to state or intra-state conflict. There are numerous sources or forms of asymmetry, many of which may affect the power relationship once power is not defined exclusively in terms of the capacity to use force. Indeed even the literature on asymmetrical warfare links military capacity to other factors including soft power (for example, measures to win over hearts and minds), particularly with regard to “new wars” (Kaldor 2001; Nye 2005; Smith 2006; Arreguin-Toft 2006. In the area of conflict resolution, Christopher Mitchell defines a number of forms of

asymmetry: legal, structural, moral, relational, behavioral (Mitchell 1991). Each of these might apply to either side in a conflict (the state or incumbents on the one hand, or the challenger on the other hand). For example, the state may derive its relative power from the legal advantages it has for applying curfews or other restrictions or its ability to raise funds through taxation. Either side might benefit from structural asymmetry with regard, for example, to leadership stability or salience of goals.

Dealing with both challengers and defenders, Louis Kriesberg focuses on those sources of asymmetry that might enhance the power of the weaker side (or weaken the power of the stronger), possibly even to the point of eliminating asymmetry altogether or at least facilitating transformation of the conflict (Kriesberg 2009). Thus, Kriesberg's long list includes demography (sheer numbers), degree of commitment, economic resources, moral and/or legal claims, public support (even on the adversary side), internal cohesiveness, outside third party support or involvement. To this one might add the role of media and other non-state actors such as diasporas, MNCs, NGOs (Golan 2009). Ronald Fisher adds access to information to the list, along with degree of legitimacy and legitimacy of leaders, skills and judgment (Fisher 2009). Virtually none of these sources of asymmetry is necessarily static; indeed Kriesberg points out that changes in one or another may alter asymmetry entirely. Certainly outside developments such as shifts in international power relations or economics or even technology can significantly alter asymmetry, for example, in the case of the Zapatistas in Chiapas and the role of the internet (Johnston and Laxter 2003). Internal developments on one side or the other, such as shifting political elites, domestic social conflicts, socio-economic conditions (hunger, drought) and the like can have their various effects on the relative weight of protagonists

(for example, Lipshultz 2000; Duffield 1998, 2000; Berdal and Malone 2000; Mitchell 1991 and others).

Negotiation theory, too, deals with asymmetry. William Zartman and Jeffrey Rubin (2000) have argued that asymmetric negotiations may actually be more successful than symmetric for, in a situation of equal power, neither side may feel the need to compromise. In an asymmetric negotiation the more powerful may well impose its will (the weaker believing it must accept), though sustainability of such an agreement may be doubtful. A mediated negotiation may strengthen the weaker party, but even in such cases, the stronger is often able to set the rules since it is the party that must be persuaded to accept mediation (Aggestam 2002). For the same reason the stronger party is more likely to be accommodated by the mediators. The use of their relative strength by the more powerful can, however, backfire, for the weaker, with little to compromise, may respond by resorting to violence or, simply, break off the negotiation (Zartman and Rubin 2000; Kriesberg 2009). This is the classic power of the weak – withholding agreement. Yet it is presumably the weaker party that needs agreement more than the stronger, and, therefore, withholding agreement may not be the optimal option either. In addition, violence may (though not necessarily) lead to isolation and further weakening (of support, for example) rather than strength (Kriesberg 2009; Salacuse 2000).

Zartman and Rubin maintain, however, that weaker protagonists do not submit, since they can and do employ tactics that compensate for their weakness, or as he puts it, they can pull “a number of tricks out of their bag...to level the playing field” (Zartman and Rubin 2000, 277; also Zartman 1995; Habeeb 1988). Thus, in addition to the various sources of asymmetry, mentioned above, that can undergo change, there are a number of

tactical options for negotiators. If, for example, the stronger can in fact set the rules or framework, the weaker can “gnaw away” at the details. Zartman and Rubin list four categories of tactics: 1) appeal to common interests such as common problems, future relationship, possibility of trade-offs; 2) use of context, for example an appeal to rules or a higher authority such as international law, fairness or morality, or more concretely, an international body, a third party, or potential public reactions; 3) use of the negotiating process itself, namely, attention-gaining acts, declaration of deadlines, dealing first with less significant items; 4) linking up with others, for example bringing partners or coalitions to the table or invoking such linkages, including diaspora, allies, or enemies of the adversary. The use of these and other tactics may be connected with the difference – one might call it asymmetry as well – in motivation and, therefore, goals, affecting in turn the importance each side might attach to a particular issue as well as the degree of compromise possible.

There is also the tendency of the weaker side to negotiate from the point of view of rights, invoking the past both in terms of grievances and for the purpose of establishing legitimacy. The stronger side, for its part, may view things from the point of view of power, preferring to ignore the matter of rights and the past, but rather, invoke the future and what the weaker might be able to gain (Bodtker and Jameson 2001; LeBaron 2003). This raises the issue of perception, not only of relative strength but of the conflict as such. Research by Cristina Montiel and Maria Macapagal (2006) found that the weaker side views conflict from the point of view of structural causes – namely the situational position in which it finds itself, for example, under occupation, oppressed, displaced. According to this research, the powerful see the conflict, that is, the causes prompting the

other side to rebel or resist, as person based – the result of incitement, education, emotion (hatred).

This analysis might support the general idea that weaker protagonists invoke rights, while the strong negotiate in accord with their perceived power – implying that the weaker would be prompted by the prospect of gain and the stronger more concerned by potential loss (in accord with Tversky and Kahneman 1981), that potential loss provides a greater incentive for risk-taking than gain, without regard to power (Botker and Jameson 2001). The powerful side would, therefore, seek to defend or maintain the status quo (or as close to it as possible, while the weaker, with the goal of changing the status quo, would be pro-active (Mitchell 1991). The powerful side, however, may not view itself as powerful since asymmetrical warfare, with its alternative sources of power for the weaker, may be perceived as negating the advantage of the ostensibly stronger. Moreover, justification of one's cause usually posits one's own side as the victim, whatever the power relationship. Such "equalization" can lead, in negotiations, to the stronger side demanding "equity," that is, mutual compromise. This is the way in which Israel was said to have treated the weaker Palestinians in the July 2000 Camp David talks, adopting a "we give, you give" approach (Agha and Malley 2001). Similarly, this was the way Benjamin Netanyahu phrased it during his first term as Israeli Prime Minister (CNN, October 25, 1998).

Asymmetry and Cross-Conflict Collaboration

Most of the previous discussion refers to adversarial situations or what Zartman would characterize as competitive negotiations or others might describe as "realist" or power based negotiations (Fisher 2009). Advocates of alternative dispute resolution,

however, maintain that an ~~interest~~” based approach can eliminate or neutralize power differences. Usually conducted as track-two or dialog encounters rather than formal negotiation, alternative dispute resolution seeks to ~~go~~ beyond position-based bargaining” (Fisher 2009; Davies and Kaufman 2002). Dealing with the underlying interests of the protagonists, this method seeks a balance that takes into account grievances, past injustices, and perceived needs. On the basis of such a balance, participants can then produce a common narrative or framing of the conflict that may, in turn, serve as a basis for resolution. Yet, as Johann Galtung has pointed out, there are ~~greater~~ and lesser wrongs” (Galtung 2004). Interests, grievances, ~~wrongs~~” are not equal, and asymmetries, including asymmetry of power, will continue to play a role even in what is considered a collaborative effort.

A few studies – and my own participation/observation of Israeli-Palestinian track-two or dialogue efforts—do indeed reveal the persistence of asymmetries and problems caused by them (Kelman 1991; Rouhama and Kelman 1994; Rouhama 1995, 2004; Golan and Kamal in Saunders 1999). There is a distinction between track-two and dialogue, the latter limited to communication, development of mutual understanding and trust-building while the former presumes to take this one step further to inter-active problem solving, joint proposals or what might be called semi- or informal (unofficial) negotiation. Both dialogue and track-two may also produce joint projects, activities or advocacy. The distinction between the two is often simply proximity to decision-makers, with dialogue often associated with grass-roots activity.

Herb Kelman, who conducted the first Israeli-Palestinian workshops, sought to overcome the structural power asymmetry of the two sides by equalizing the numbers of

participants and matching educational levels, general backgrounds, gender, and even allotting equal speaking time so that all would ostensibly be operating on an equal basis. Yet, all observers, including myself, have noted that asymmetries kept popping up, for, as Rouhama (2004) put it, the two sides simply are not equal. A whole series of differences appeared, virtually all of which may be traced to the asymmetry of the relationship and situational inequality, namely the power of one side – the Israelis, belonging to the occupying power, and the weakness of the other - the Palestinians, under occupation, or, in the case of the groups Rouhama and Korper studied (1997), those belonging, on the one hand, to the majority/dominant Jewish population of Israel and those belonging, on the other hand, to the minority/subordinated Arab population of Israel (not the occupied territories). Inasmuch as Rouhama's groups dealt with resolution of internal Israeli issues of Jewish-Arab relations (particularly in the area of education), obviously connected with but not meant to address the broader Israeli-Palestinian conflict, they are less directly relevant to my discussion. However, despite different issue focus, they do represent efforts at cross-conflict cooperation and much of the evidence from Rouhama's work is substantiated by observations of Israeli-Palestinian conflict resolution groups discussed by Kelman (1991) and below.

Gender and Asymmetry

The above analyses are based on negotiations and observations of track-two/dialogue groups of mixed genders, almost exclusively male. The question I pose is: would looking at gender composition change or in any way affect the role of asymmetry? There is by now a vast literature on gender differences, along with feminist theory not only on the construction of gender, but also the problem of essentialism and the need to

understand differences within genders. Literature on gender and negotiation tends to be essentialist, focusing on differences between men and women in the way in which they negotiate, the skills they bring to negotiation, the way in which they perceive such matters as peace or security or power, and how they perceive their own relative power (Boyer et al. 2009; Tickner 1992; Cockburn 1998; Golan 1997, 2004; Kray, Thompson, and Galinsky 2001; Tessler and Warriner 1997). Indeed, research has shown gender differences in all of these areas, in some cases providing varied explanations ranging from gender role socialization to situational power (access to power such as resources) to combination of gender and situation (power affecting each gender differently) to expectation (with regard to each gender and self) (Stuhlmacher and Walters 1999; Walters, Stuhlmacher and Meyer 1998; Watson 1994; Kray, Thompson, and Galinsky 2001). Yet, it is clear that while many of the factors raised by these explanations may be operative, there are different degrees of power amongst women (as there are amongst men) and different ways of using or responding to power in a negotiating situation.

While some researchers (for example, Watson 1994) maintain that asymmetry of power (situational asymmetry) is more important a factor than gender with regard to negotiating style (collaborative or competitive), it has been found that while a woman with power (defined in terms of control of resources, status, numbers) may be more assertive in negotiation, she will have a harder time controlling the negotiation than a powerful man negotiating with a woman. Namely a woman's power is diminished when she negotiates with a man, indicating greater importance of gender than power (Watson 1994, 120 citing Berger et al. 1977). Moreover, according to other studies, even a powerful woman employing an assertive negotiating style will be viewed as less effective

than a male (Watson 1994; Krakovsky and Miller 2006). Sell, Griffith and Wilson (1993) too found that women's power was diminished and the man's power was enhanced in mixed groups, but only when gender identity was known (Sell, Griffith, and Wilson 1993; Sell 1997).

One explanation for such findings is connected with the matter of expectations, namely, knowledge of and therefore reaction or adaptation to gender stereotypes (Sell 1997; Kray, Thompson, and Galinsky 2001). Begging the question of whether or not the expectation is justified, it derives from the stereotypical (if not proven) view of women as less assertive, competitive, or confrontational than men. Supported by psychological studies such as Gilligan's (1982) ground breaking work, women are said to be empathetic, compassionate, relational or other-oriented and communicative (Markus and Kitayama 1991; McCarthy 1991; Babcock and Laschever 2003; Cross and Madison 1997; Kolb and Coolidge 1991). In negotiation, it would follow, women would be expected to give greater attention to process and preservation of relationship (preference for harmony) than to be goal-oriented, with a greater degree of risk-aversion than men and less concern for one's own interests. To some degree these hypotheses were proven, particularly by testing in which there was stereotype activation (Kray, Thompson, and Galinsky 2001). Yet, the matter of asymmetry (of power) was not involved, unless, that is, one were to attach concepts of ~~weak~~" or ~~powerful~~" to these different forms of behavior or styles – thereby adhering to stereotypical views of women as weaker, less effective. Obviously less effective would depend upon the type of negotiation – collaborative negotiation being one in which women would be expected to be more

–effective” (Karakowsky and Miller 2006; d’Estree and Babbitt 1998; Watson, Haines, and Bretherton 1996).

A better measure of the relationship between gender and asymmetry may be found in looking at same sex negotiation, particularly all-female. Kray, Thompson and Galinsky (2001) found that as distinct from mixed dyads, same-sex dyads did not respond to stereotype activation. Presumably, as Watson posited, –gender is not expected to have any impact on the power of negotiators in same-sex pairs of negotiators....Being a woman should not eliminate your power when you face another woman, nor should being a man enhance your power when you face another man” (Watson 1994, 124). Indeed, Watson found that a high powered woman did not become cooperative when dealing with a less powerful woman. Similarly, Sell found that women were not more cooperative in all-female groups than they were with men, though her more complex study did find that greater female cooperation resulted when the women were aware (but only when they were aware) of the gender of the whole group and the strategy adopted by both sides in the negotiation (Sell 1997). Even studies of same sex, all-female groups in collaborative negotiations, found no significant gender effects (Boyer et al. 2009), or, as Stockard put it, –males and females usually reacted in similar ways to conditions which were designed to promote cooperative behavior...”(Stockard, van Kragt, and Dodge 1988, 161 cited in Sell, Griffith, and Wilson 1993, 211). Only the Watson study cited above, however, examined for gender and asymmetry, finding that asymmetry of power was not affected by gender.

The Kray, Thompson, and Galinsky (2001) study of same sex dyads hypothesized that if participants shared an identity above that of gender, they would negotiate more

cooperatively. While this was found to be the case when the dyads were mixed, it had no effect on all-female dyads (nor all-male dyads) (Kray, Thompson and Galinsky 2001). It will be remembered that Kelman, as discussed above, found the absence of a shared identity – actually the antithetical identities of Israelis and Palestinians in his mixed workshops – was an impediment to cooperation (Kelman 1991). The Kray, Thompson and Galinsky study suggests that a similar outcome might be expected for asymmetrical (Israeli and Palestinian) all-female groups.

Observations from Israeli-Palestinian Cross-Conflict Cooperation

These observations are based on my own personal experience of many years' participation as an Israeli woman in predominantly male joint Israeli-Palestinian groups, beginning in the mid-1980s, both of a dialog and track-two nature, within the over-all category of cross-conflict cooperation. As in the studies of Kelman (facilitator) and Rouhama (participant) discussed above, my observations constitute generalizations of perceived over-all group behavior; individuals in the groups may not necessarily follow the patterns described below. Moreover, mine is only an interpretation of what I saw and experienced.

Although participation in such groups implies a certain willingness to cooperate, the goals and motives tend to be quite different. On the whole, the goal of the Palestinians is to change their situation, that is, end the occupation and achieve an independent state. At the political rather than personal level, as the weaker party, their primary motive for participating is to gain strength for the promotion of their case by directly addressing the adversary and enlisting at least some as allies. The goal of the Israelis is to end the Arab-Israeli conflict and achieve peace. While some may be acting

out of personal reasons (including a sense of guilt), at a political level, Israeli participants are mainly probing for ways – information about the other side, possible positions and so forth—that might make a peace agreement possible. Working together appears to serve the goals of both and the different motivation need not constitute an obstacle. Indeed, initially the different motives may appear complementary since the Israelis want to learn about the other side and the Palestinians want their case heard and understood (also pointed out by Rouhama and Korber 1997).

The presentation of narratives, however, usually a starting point of such meetings, presents a significant asymmetry, inasmuch as the weaker side – the occupied – cannot attribute moral equality to the two narratives. As Rouhama observed from his groups, ~~the~~ “the power imbalance leaves each with a different load of history... they do not carry the same moral weight...” (Rouhama 2004, 43). It is this perceived difference in morality that then guides much of the dialogue and collaboration. Thus, Palestinians focus on the past, principles of rights and of justice, highlighting present suffering and violations (and in some cases immediately grabbing the moral high ground, for example, by attributing lateness in arrival to army roadblocks and other features of the occupation). The Israelis focus pragmatically on the future (sometimes privately complaining that the Palestinians are always “crying” instead of presenting proposals – comments heard personally from Israeli men, not women), eschewing the need to decide who is right or wrong on the grounds that the past cannot be undone. One may speculate that these differences emanate from perceptions of and need for legitimacy – Palestinians derive their legitimacy from their historic rights, while Israelis may feel admission of the Palestinians’ historic rights jeopardize Israel’s claim to legitimacy. Kelman, in his

observations, related such a zero-sum approach to the matter of national self-identity, each group perceiving the other's self-determination as the negation its own (1991).

The feature which most characterized the asymmetry is the mistrust that permeates the process. Noted also by Kelman (1991), a constant testing seems to go on, with each side mistrusting the motives, goals, and, therefore, the commitment of the other. Israelis tend to feel exploited or used by the Palestinians to serve the Palestinian goal of ending the occupation. Palestinian acceptance of the two-state solution appears to be based only on the absence of any alternative rather than acceptance of the legitimacy of the state of Israel (the right of Jews to an independent state). According to such a view, peace may not even be what interests the Palestinians (see above the different goals – end of the conflict for Israelis; end of the occupation for Palestinians). Thus, Israelis are often suggesting that the Palestinians provide assurances regarding the future, signs of Palestinian intentions. For their part, Palestinians view such “fears” or demands as absurd coming from the powerful Israeli side. Rather, such demands are viewed as evidence that the Israelis care little for Palestinians' fate, do not really recognize the injustices and could even pursue their, Israeli, goal (of peace) without recognition of and even at the expense of Palestinian rights.

This problem of trust, particularly with regard to the commitment of the other side, becomes nearly acute in times of crises such as Israeli assassinations or bombings of Palestinian areas, Palestinian terrorist attacks on Israelis. The problem at such times is twofold: the first is the issue of asymmetry itself, namely is it acceptable to equate Israeli and Palestinian actions (or victims) or should one acknowledge the difference in power

(capabilities) as well as circumstances; the second is the asymmetry in the relationship of each side to its own community.

Participants are clearly identified with their communities in the eyes of the other side, whether they see themselves as representatives or not. The difference is that those coming from a free and independent society have far less concern for solidarity than those coming from a society struggling for its independence. The weaker side is more likely to see itself as answerable to its community while the stronger may be far more willing to act individually. This may affect the degree of risk-taking as well, for the weaker side cannot be seen to be digressing from the national struggle and certainly not ~~normalizing~~,” that is, behaving ~~normally~~” with the other side as if there were no asymmetry of oppressor and oppressed, in other words, no occupation. However, as Kelman has pointed out, Israelis too have their national identity and loyalties, or perhaps more pragmatically, the need for credibility within their own community in order to convey to that public those steps necessary to achieve peace (which is a motive for Israeli participation). Thus, Israelis will use arguments of self-interest, rather than morality or justice, in speaking to their own community, even evoking the harm to Israelis or Israeli society due to the continued conflict – thereby implying a symmetry (of suffering as well as power) that does not exist as far as the Palestinians are concerned.

At another level altogether, Israeli efforts to equalize positions in these joint encounters is often characterized by overtures for social interaction and comradeship. The Israelis would appear to be looking for acceptance, perhaps in keeping with the theory that perpetrators seek acceptance because they feel morally wrong, while victims seek power due to a sense of powerlessness (Shnabel et al. 2008). Israelis in this type of

encounter often do feel this moral culpability. But, whether they need it or not, acceptance in the form of social interaction is something that only the stronger side can afford. Moves toward “equalization” of the relationship can be seen as “normalization” by the more vulnerable side (with regard to its public) and incognizance of the asymmetrical relationship. Thus, Palestinians will emphasize the goal-oriented political side of the cooperation. This is not to say that personal relationships do not develop or that all Israelis and all Palestinians in these encounters share the same feelings or reactions. But all of the above has been observed in the meetings experienced, as well as for the most part the Rouhama workshops amongst Israeli Arabs and Jews.

These are all matters of asymmetry that constitute serious obstacles when it comes to joint advocacy, projects or activities. Joint action – important in itself as an outcome of alternative problem resolution – may be seen as a litmus test of the other side’s commitment, demanded by the more suspicious (and vulnerable) weaker side. Yet such actions are not to be perceived as or imply equality, so, therefore, they must conform to the demands or positions of the weaker side. The degree of the need for such conformity might be dependent upon the vulnerability of the weaker side, or its capacity for risk-taking, in relation to its own community, while the stronger side will make its own calculation with regard to credibility in its own community. In addition, as Rouhama also noted, there are the obvious differences in priorities, concerns, salience or relevance of issues, and sense of urgency, derived from the asymmetry of the situation of the two sides (1995). Joint projects have been criticized both on the matter of “normalization,” but also for glossing over asymmetry (Kuttab and Kaufman 1988; Said 1995). Asymmetry is clearly a particularly sensitive and formidable obstacle in the case of collaborative

projects or joint advocacy. Or, as Kelman puts it, “In sum, a coalition that cuts across conflict lines is by nature an uneasy coalition...” (Kelman 1991, 242).

The Gender Factor in Israeli-Palestinian Cross-Conflict Cooperation

There are only a few studies that have looked at the role of gender in Israeli-Palestinian alternative dispute resolution or track-two encounters. Tamra Pearson d’Estree and Eileen Babbitt (1998) analyzed three Kelman organized workshops (one mixed, two all-female) which they had observed, while two other studies by participants (myself, Golan 2003) and Zahira Kamal (Golan and Kamal 1999) drew upon experience in a large number of both mixed and all-female Israeli-Palestinian workshops. Focusing on process, d’Estree and Babbitt drew a number of broad conclusions from a comparison of the mixed (but largely male) and all-female workshops without distinguishing between participants from the two “sides” of the conflict. They did indeed find differences which relate to women’s as distinct from men’s ways of dealing with each other, affirming many of the assumptions regarding the skills each bring to cross-conflict encounters. Women tended to be more personal, empathetic, and receptive, while men were more formal and impersonal; both were rights-oriented but the women also spoke of responsibility and sought cooperative ways of dealing with the problems facing both sides. Surprisingly, perhaps, women were actually more willing than the men to address a particularly controversial issue (the status of Jerusalem).

In looking at process, our observations included all of the above differences including the more personal, highly emotional empathetic “listening” on the part of the women as compared with the men (Saunders 1999). However, unlike d’Estree and Babbitt, we found that in the earlier meetings women actually sought to avoid at least one

of the most difficult issues in the conflict (the right of return of the Palestinian refugees to today's Israel) although they did deal with other issues avoided by the men (the future status of Jerusalem, Israeli recognition of the PLO). This is an important difference to which I will return below. One difference that d'Estree and Babbitt did not note was that the women in Kelman's all-female workshop rebelled against his standard format and demanded a less rigid structure for the sessions. Moreover, in compliance with the women's requests, Kelman had a woman (his wife, Rose Kelman) facilitate the second workshop instead of conducting it himself. This request was most likely connected with the fact that the women involved were feminists and thus particularly conscious of the role of gender.

The ~~re~~bellion" was a significant move in overcoming the asymmetry of the two groups, as they acted together in favor of what was considered a format more suitable to women. Yet my own observations suggest that the fact of all-female participants, even feminists, does not actually eliminate or even affect asymmetry. Comparing these all-female dialogue workshops and action or advocacy oriented all-female groups, on the one hand, with the mixed (predominantly male) groups discussed above, on the other hand, one finds that many—though not all—of the effects of asymmetry were quite similar. The similarities would suggest that asymmetry (power) is a more important factor than gender – as the theoretical literature suggests, though, as we shall see, gender nonetheless would appear to have played a role. What follows are not experimentally based conclusions but rather observations from my own experience as a participant in the Kelman all-female workshops as well as all-female meetings and workshops organized by others more or less regularly between 1985 and the present. It must be borne in mind,

as noted earlier, that mine are the observations of just one, Israeli, participant. Those of other participants might be quite different.

As in the predominantly male groups discussed above, so too with regard to all-female groups, backgrounds and profiles of participants were relatively comparable. At the same time, as in the case of the mixed groups, the compositions and especially the context changed many times. A significant difference was, of course, the same gender composition of both sides, based on gender identification. From the outset, however, it was clarified in the all-female groups that gender identity was secondary to national identity even though organization was on a gender basis. Women may have come together as women, even feminists, for a variety of reasons, some of which perhaps tactical for political purposes or, more prevalent, the sense on both sides that women should have a say in the fateful decisions of the leaderships of the two sides. Yet, the asymmetry of the two sides led immediately to the rejection of an essentialist –sisterhood” approach. The Palestinian women were quick to point out that we were far from equal given the asymmetry of power between the two sides. This important point will be discussed further below.

Thus, as with the mixed groups, national identity played its role in dictating different motives and goals for the two sides: with regard to goals, end of occupation and an independent state for the one side; end of the conflict and peace for the other side. Similarity to the mixed groups could also be found in that asymmetry, from the very outset, was reflected in the sensitivity to the imbalance of the narratives, namely the difference in importance and moral-weight given to the narrative of each side; the greater

focus by the Palestinians on the past – past injustices, violations and the like, as distinct from an Israeli preference to deal with the future and avoid dealing with justice as such.

As in the mixed groups, the “weaker” group did indeed have – and invoked – the moral high-ground as those oppressed by the injustices of the occupation – from long delays at checkpoints to the humiliating need for official Israeli permits even to travel to meeting places. There were also some similarities to the mixed groups regarding the relationship to one’s own community, namely, the problem of “normalization” for the Palestinians, and credibility for the Israelis, sometimes leading Israelis to the use of arguments based on self-interest as distinct from moral arguments. The problem of mistrust was in evidence, possibly even more strongly, amongst the all-female groups. This may have been the result of a changing context – the failure of the formal peace initiatives, the drastic tightening of the occupation, and the greater alienation between the two communities over the years. The Palestinian women’s groups became increasingly similar to the mixed groups with regard to insistence upon purely political rather than social interchanges or cooperation, for example, accompanied by far less personal and emotional behavior than in earlier times (see also Richter-Devroe 2008) and Cockburn (1998). One might also explain the change by the increased salience of national identity as the context became more conflictual, reducing what little effect implicit shared gender identity might have had in collaborative interactions.

Even throughout the changing atmosphere, however, there were differences of degree (in comparison with mixed groups) regarding some of the same expressions of asymmetry. For example, the Palestinian women were less willing than their male colleagues in mixed groups (or the Israeli women) to make compromises, and they were

more demanding of the Israelis to agree to their positions. Rejecting a give and take approach associated with collaborative behavior, it might even be said that they were often still more assertive than the Palestinian men, and more competitive than the Israeli women, in this all-female collaborative setting. In distinguishing between Israelis and Palestinians, this may have been due to the difference in their relationship to their different communities (constituents, as Kelman called them), leading the weaker party to greater reticence regarding collaborative efforts, as noted above.

There was, however, a difference between the men (the mixed groups) and the women with regard to the relationship to their community. Whereas both Palestinian and Israeli men and women holding official or semi-official positions may have felt particularly restricted regarding the compromises they could make, in the women's groups even those participants who were not in such positions on the Palestinian side evidenced vulnerability (vis a vis their community). This was far less apparent not only on the Israeli side but also in comparison with Palestinian men. Vulnerability – at least with regard to credibility – existed to some degree on the Israeli side as well, but on the whole, the Palestinian women appeared to be under greater scrutiny and suspicion from their community than their male counterparts with regard to the collaboration altogether and positions adopted in particular. As one Palestinian woman put it, the men seemed to have more freedom or a “~~e~~avalier attitude” (confidence, entitlement?) toward saying almost anything; their room for risk-taking, to deviate from official positions, was far greater. It has been suggested that an additional explanation for this may be the expectation or demand that Palestinian women “view themselves, first of all, as Palestinians resisting the occupation,” before their gender identity, so that cooperation

with Israelis on the basis of gender is doubly suspicious in the eyes of their community (Richter-Devroe 2008; see also Cockburn 1998).

This vulnerability, if indeed that is what it was, only seemed to intensify with the changing context. While the issue of normalization was always present for the men as well, the deteriorating situation and crises did not affect all of the mixed groups on this point as much as it apparently did the women's groups. Thus greater disparity between the women and the mixed (virtually all-male) groups could be observed in the insistence of the Palestinian women upon dealing with – and reaching full agreement – on the most difficult issues. In some ways indicative of the mistrust, this was perceived by some of the Israelis as a form of testing but also possibly as tantamount to a demand for total identification with the other side, or solidarity. And Israelis often did comply (a more cooperative behavior?), possibly out of acknowledgement of the asymmetry, perhaps an effort to compensate for it, just as the justification for the Palestinian demand (a more competitive behavior?) was also connected to asymmetry: the asymmetry of the weaker (occupied) side vis a vis the powerful (and free – occupier) side. Indeed, this appears to be in keeping with the protagonist/victim distinction, namely, a sense of moral culpability and need for acceptance on the one side, and a sense of powerlessness and need to assert power on the other side (Shnabel et al. 2008).

It is in fact, the recognition of the centrality of the issue of asymmetry itself that appears to be the major difference between the women and the men in their efforts at collaborative work and advocacy. Asymmetry, as we have seen, was clearly present in the mixed groups and definitely had its effects, but it was only in the all-female groups that the matter was placed squarely on the table and consciously adopted as a critical

factor in the collaborative work. To my knowledge, Rouhama is the only male participant of such encounters who has raised this matter in a similar fashion. Indeed, a Palestinian female participant said on one occasion that the Israeli women's recognition of and willingness to deal with the asymmetry was possibly the most important achievement of their joint efforts – at least in terms of rendering it possible to work together at a particularly difficult time.

Consciously and explicitly coping with asymmetry means that the two sides cannot be equated – something that third parties often fail to understand as they try to create a laboratory situation of equality to neutralize the strength of one side. Yet neither problems, nor issues, nor grievances, nor responses can be equated. This has very concrete implications for the usage, for example, of blanket statements such as —~~both~~ sides are suffering from the violence,” or “~~v~~iolence must be condemned from both sides,” or “~~both~~ sides must show flexibility.” Such statements, apparently fair and perhaps politically correct, imply symmetry where there is none. Just as compromise, give and take, an equal voice for the Israeli side alongside the Palestinian side, would all imply symmetry. This does not mean that there cannot be critical analyses of situations and ideas as well as discussions from different points of view. Indeed the conscious acknowledgement of asymmetry has rendered the discussions a greater depth and openness than is always apparent in the mixed groups – where asymmetry is most likely understood but rarely if ever acknowledged.

If the acknowledged centrality of asymmetry is the major difference between the all-female and the predominantly male cross conflict groups (in the Israel-Palestine context), is this an element of gender? Inasmuch as this difference appeared at similar

times, in similar (political) contexts, what would account for women's greater sensitivity to this factor?

One might contend that gender plays a role insofar as most women experience asymmetry in a multitude of ways every day, and therefore, may be relatively sensitive to the phenomenon. Similarly, researchers have found that women tend to exhibit relationship awareness whereas men seem to be more task oriented (Lewicki and Saunders 2007). Indeed women are said to be more sensitive to and less supportive of hierarchy than men (Pratto, Sidanius, Stallworth, and Malle 1994). While, obviously, different women (and men) experience hierarchy or asymmetry of power in different ways, theories of "outsider" "insider" group behavior may be relevant. Broadly speaking, women fall into the category of "outgroups" or the disadvantaged, and such groups have been found to be more aware of asymmetry as compared with ingroups' preference to focus on commonalities (Saguy, Dovidio, and Pratto 2008). This sense of shared identity is stronger among women than men, and, therefore, may develop a trust and ability to touch on issues of power (Crisp 2008).

Feminism might even add to these possible explanations for the difference in salience of asymmetry between the women's groups and the predominantly male mixed groups. The all-female groups to which I have referred are self-defined as composed of feminists with the explicit intention of providing a gender perspective in dealing with the Israeli-Palestinian conflict. An analysis and understanding of power relations is basic to a feminist approach. Standpoint theory as a tool of feminist analysis, deconstructs situations and relationships; it looks at the place of the individual with particular sensitivity to marginalization as well as hierarchy. Moreover, feminist theory has much

to say about “equality,” for example with regard to the so-called blindness of justice (MacKinnon 1987). Feminists are well aware that women generally do not face a level playing field when compared with men, and thus “equality” can never be assumed (Okin 1999). There are undoubtedly other ways in which a feminist approach, or a gender perspective, can affect the work of cross-conflict groups, but a feminist approach may be an additional clue as to the importance the groups to which I have referred ascribe to asymmetry in their collaborative efforts and advocacy.

Whether or not this understanding of the role of asymmetry will prove to be more effective than ignoring asymmetry remains to be seen. Acknowledging the centrality of asymmetry may make it more difficult to reach joint decisions or positions. Yet, a conscious appreciation of asymmetry may well render these positions more effective in the long run inasmuch as they will be based on and presumably deal with reality.

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**The Legal Implications Arising from Economic and Social Reconstruction
as an Aspect of Peace Support Operations**

Claire Breen

Abstract

This article asserts that the link between peace and security and stabilization and development, as exemplified by the UN-mandated international presences in Afghanistan, is to be welcomed but that, from the perspective of the laws governing both the use of force and the conduct of warfare, such an evolution is problematic for a number of reasons. One, the broader functions of the military in peace support raises questions for jus ad bellum such as determining whether the basis for the peace enforcement has been achieved, as States and their armed forces engage in stabilization and state-building initiatives as a means to counter breaches of and threats to the peace. Two, the broader functions are problematic for jus in bello as the practical application of such initiatives is not easily incorporated into a body of law that was drafted primarily to deal with inter-state conflict and only provides limited guidance on internal conflict such as that in Afghanistan. Consequently, international law must evolve to clarify the rights and obligations stemming from peace support operations for both States and their military personnel.

Introduction

Despite the legal controversy surrounding the US-led military invasion of Afghanistan in October 2001, Security Council resolutions passed in December of that year formed the legal basis for an international military presence in Afghanistan.

Subsequently, this presence was expanded to include a Security Council mandate to rebuild Afghanistan. There are two strands to this mandate: a military strand, primarily in the form of the NATO-led International Stabilization Force (ISAF); and a civilian strand, embodied in the United Nations Assistance Mission in Afghanistan (UNAMA). The basis for both mandates, according to the Security Council, is to restore and maintain international peace and security and to assist Afghanistan to transition from a state of conflict to a state of peace. In this regard, the Council's response may be regarded as peace support, comprising stabilization and state-building operations. There are two questions arising from this situation. One, if peace support is an expression of modern collective security measures, is peace support indicative of an evolving international law governing use of force (*jus ad bellum*)? Two, does peace support impact upon the body of international law governing the conduct of warfare (*jus in bello*) as States and their armed forces engage in stabilization and state-building initiatives? Perhaps the central question is what, if any, legal obligations arise out of peace support missions?

This article attempts to answer these questions, in light of New Zealand's peace support role in Afghanistan, through its deployment of Defence Force Personnel as a Provincial Reconstruction Team (PRT) to Bamyan Province. Although there are many aspects to peace support (not least use of force issues), this article will focus on economic and social (re)development given that such measures are a recognized, but often overlooked, aspect of maintaining international peace and security. Economic and social development would also appear to be an increasing aspect of the responsibilities of the military, in spite of the fact that it would appear, on first glance, to be a role more appropriately assigned to the non-military.

This article will first consider Security Council resolutions, which form the legal basis of ISAF and UNAMA with particular focus on reconstruction activities as an aspect of international peace and security. It will then consider the international agreements regarding the reconstruction of Afghanistan, with particular focus upon their economic and social development aspects. It will consider the significance of such developments for maintaining peace and security which in turn is suggestive of a more expansive meaning of the maintenance of international peace and security. The article will focus on the work of PRTs which are more regularly engaged in functions that hitherto may have been regarded as being the functions of their non-military counterparts operating under the umbrella of UNAMA. It will focus on the activities of the New Zealand PRT (NZ PRT) in this regard. Finally, the article will consider the relationship between peace support activities and international humanitarian law (IHL). It will demonstrate that the current laws governing use of force and the conduct of warfare are rather ill-suited to the ever-expanding and increasingly complex environment in which peace support operations operate.

The article concludes that the link between peace and security and stabilization and development is to be welcomed but that such an evolution is problematic for a number of reasons. One, the broader functions of the military in peace support raise questions for *jus ad bellum* such as determining whether the basis for the deployment of the peace enforcement operation has been achieved, as States and their armed forces engage in stabilization and state-building initiatives as a means to counter breaches of and threats to the peace. Two, the broader functions are problematic for *jus in bello* as the practical application of such initiatives is not easily incorporated into a body of law

that was drafted primarily to deal with inter-state conflict and only provides limited guidance on internal conflict such as that in Afghanistan.

**ISAF and UNAMA: Security Council Responses to Threats
to International Peace and Security**

In 2001, in paragraph 4 of resolution 1378, the Security Council called on Member States to provide long-term assistance for the social and economic reconstruction and rehabilitation of Afghanistan. The outcome of this resolution was the establishment of an international presence in Afghanistan primarily comprising ISAF, which is a NATO-led security and development mission, and UNAMA, which as its title indicates, is a UN mission designed to assist Afghanistan to transition from conflict to peace. Both presences were established by Security Council resolutions and their mandates were elaborated upon by the Agreement On Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions, S/2001/1154 (the Bonn Agreement). International intervention in Afghanistan was intervention into a State where human and natural forces had combined to destroy almost all social, physical, and economic infrastructure, leaving it without adequate roads, electricity, schools and hospitals (Bosi 2003). The international community recognized that the restoration, and maintenance, of peace and security in Afghanistan was no longer a case of “bashing and whacking” but involved a long-term, financially well supported, and, quite literally, hands-on approach to rebuilding the State. The response by the international community has been one of initial stabilization, followed by further stabilization efforts aimed at effecting a longer-term peace. Both the short-term and

long-term efforts recognize and incorporate economic and social development as a core strategy.

ISAF: Pacification and Stabilization Roles

ISAF's mandate was established by the Bonn Agreement, Annex 1, to create a secure environment in and around Kabul and so that the Afghan Interim Authority and UN personnel could operate in a safe environment which would support the reconstruction of Afghanistan. ISAF's focus upon counter-insurgency (pacification) and state-building (stabilization) across Afghanistan reflected the peace enforcement mandate granted to it under Chapter VII of the Charter on the determination by the Security Council, in 2001, that the situation in Afghanistan continued to pose a threat to international peace and security. ISAF member states are authorized to take all necessary measures to fulfill the mandate (UNSC res 1386). The mission involves troops from 48 nations who operate under robust rules of engagement, as well as a myriad of international aid agencies and private charities, private security contractors, engineers, development experts, political advisors and education specialists (NATO February 2011; Hynes, Newton Lyons and Weber 2007).

ISAF's mandate was extended annually by resolutions 1413 and 1444 respectively. In 2003, the mandate was expanded, by resolution 1510, to assist the Afghan Transitional Authority in the maintenance of security in areas of Afghanistan outside of Kabul and its environs, so that the Afghan authorities, as well as UN personnel and other international civilian personnel engaged in activities including reconstruction and humanitarian efforts, could operate in a secure environment, and to provide security assistance for the performance of other tasks in support of the Bonn Agreement.

Resolutions 1563 and 1623 provided for an expansion of ISAF's mandate in response to the Council's recognition of the constraints upon the full implementation of the Bonn Agreement resulting from concerns about the security situation in parts of Afghanistan. The Security Council's response to the situation in Afghanistan has continued to evolve. In resolution 1707, for example, the Council recognized once again the interconnected nature of the challenges in Afghanistan. In reaffirming that sustainable progress on security, governance and development, as well as on the cross-cutting issue of counter-narcotics, was mutually reinforcing it welcomed the continuing efforts of the Afghan Government and the international community to address these challenges. In renewing ISAF's mandate in October 2010 the Council stressed yet again the central role that the UN continued to play in promoting peace and stability in Afghanistan. It noted in the context of a comprehensive approach, the synergies in the objectives of UNAMA and of ISAF and it stressed the need for further sustained cooperation, coordination and mutual support, taking due account of their respective designated responsibilities. As in previous resolutions, the Council reiterated its concern at the security situation and the harmful consequences of violent and terrorist activities on the capacity of the Afghan Government to guarantee the rule of law, to provide basic services to the Afghan people, and to ensure the full enjoyment of their human rights and fundamental freedoms (UNSC res 1943).

As this brief overview indicates, the core function of ISAF is to establish a secure environment, using all necessary force. In effecting its mandate, ISAF has assisted the Afghan authorities in providing security and stability, thereby creating the conditions for the fulfillment of the other aspect of its mandate, which is reconstruction, development and effective governance as per the Bonn Agreement, the Afghan Compact, the

Afghanistan National Development Strategy (ANDS), the London and Kabul Communiqués and decisions made by the Government of Afghanistan. The manner in which ISAF fulfils this aspect of its mandate is considered in more detail below.

UNAMA: Recovery, Reconstruction and Development

In establishing UNAMA, by resolution 1401 of March 2002, the Security Council reaffirmed both its previous resolutions on Afghanistan in particular resolutions 1378, 1383, 1386 and recalled all relevant General Assembly resolutions, in particular resolution 56/220. The Council also stressed, *inter alia*, that the provision of focused recovery and reconstruction assistance could greatly assist in the implementation of the Bonn Agreement. According to the Secretary-General, —Recovery and reconstruction efforts cannot wait the successful conclusion of the peace process, but rather their early and effective delivery are central to the success of the process itself” (A/56/875-S/2002/278, para. 98(h)). The emphasis on recovery and reconstruction is evident in the resolutions that have extended UNAMA’s mandate on an annual basis ever since. In resolution 1419, the Council called upon all Member States to provide long-term assistance and on-going budget support for the social and economic reconstruction and rehabilitation of Afghanistan as a whole. Prior to that, in resolution 1401, the Council had encouraged donor countries that pledged financial aid at the Tokyo Conference on reconstruction assistance to Afghanistan to fulfill their commitments as soon as possible. When renewing UNAMA’s mandate the following year, the Council noted, in the context of a comprehensive approach, the synergies in the objectives of UNAMA and ISAF, and stressed the need for continued cooperation and coordination. The Council called upon the Afghan Government, with the assistance of the international community, including

ISAF and the Operation Enduring Freedom coalition (OEF), in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, other extremist groups and criminal activities (UNSC res 1746).

The manner in which the Security Council has come to recognize the interrelationship between international peace and security and economic and social development, or in the case of Afghanistan, recovery, reconstruction and development, can be seen more recently in its extension of UNAMA's mandate, in March 2011. In resolution 1974, the Council stressed, once again, the importance of a comprehensive approach to address the situation in Afghanistan and recognized that there was no purely military solution to ensure the stability of Afghanistan. The Council continued its recognition of the interconnected nature of the challenges in Afghanistan and reaffirmed that sustainable progress on security, governance and development, as well as the cross-cutting issue of counter-narcotics, was mutually reinforcing. The Council welcomed the continuing efforts of the Afghan Government and the international community to address these challenges through a comprehensive approach. In resolution 1974, the Council also noted, in this context, the synergies in the objectives of UNAMA and ISAF and stressed the need for strengthened cooperation, coordination and mutual support. The Council further decided that UNAMA and the Special Representative of the Secretary-General (SRSG), operating within their mandates and guided by the principle of reinforcing Afghan ownership and leadership, would continue to lead the international civilian efforts, in accordance with their priorities as laid out in paragraph 4 of resolution 1974, as follows:

- (a) promote, as co-chair of the Joint Coordination and Monitoring Board (JCMB), more coherent support by the international community to the Afghan Government's development and governance priorities, including through supporting the ongoing development of the new National Priority Programs, mobilization of resources, coordination of international donors and organizations, and direction of the contributions of United Nations agencies, funds and programs, in particular for counter-narcotics, reconstruction and development activities; at the same time, support efforts to increase the proportion of development aid delivered through the Afghan Government, and support efforts to increase the transparency and effectiveness of the Afghan Government's use of such resources;
- (b) strengthen the cooperation with ISAF and the NATO Senior Civilian Representative at all levels and throughout the country in support of the transition to Afghan leadership agreed to at the Kabul and London Conferences and the Lisbon Summit, in a sustainable manner to ensure the protection and promotion of the rights of all Afghans, in accordance with their existing mandates, in order to improve civil-military coordination, to facilitate the timely exchange of information and, to ensure coherence between the activities of national and international security forces and of civilian actors in support of an Afghan-led development and stabilization process, including through engagement with provincial reconstruction teams and engagement with non-governmental organizations,

Arguably, UNAMA has a strong mandate as regards human rights and economic and social development (Kreilkamp 2002/03), although this aspect of the mandate, like the mandate overall, is limited to providing assistance to the transitional authority (Schoiswohl 2006; A/56/875-S/2002/278). UNAMA exemplifies the manner in which the Security Council has begun to move towards a much broader understanding of peace and security that acknowledges the significance of human rights and economic and social factors. UNAMA, both as a multidimensional peace operation in its own right as well as being an operation intertwined with ISAF, advances the doctrinal shift, first advanced in the Brahimi Report, of incorporating elements of peace-building into peace operations (O'Flaherty 2003). However, the actual impact of this doctrinal shift has been limited by the fact that donors have been slow to deliver on the generous pledges made to the planned recovery programs which has meant that much of its recovery programming has had to be scaled back in the face of insufficient funds (Griffin 2003). ISAF and UNAMA provide separate but entwined legal frameworks for the peace support mission in Afghanistan. However, as the Security Council resolutions indicate, its peace support initiatives are largely dependent on upon the fulfillment of international agreements pertaining to Afghanistan.

Rebuilding Afghanistan: From Security Council Resolutions to International Agreements

The above-mentioned resolutions are at the apex of the international efforts to rebuild Afghanistan. In terms of international law, the resolutions are binding although, perhaps unsurprisingly, the language of the resolutions is somewhat vague. The Council's calls for recovery and reconstruction assistance are made in tandem with and,

according to the Council, are heavily reliant upon the implementation of a number of international agreements containing much of the detail underpinning reconstruction in Afghanistan.

The Bonn Agreement: Transitioning towards Permanent Governance

The Bonn Agreement created the agenda and process for the establishment of permanent governance institutions, representing a new level of commitment and political will by both Afghans and major powers (Johnson 2006). The agreements paved the way for the creation of a three-way partnership between the Afghan Transitional Authority, UNAMA, and ISAF.

Amongst the wide range of issues covered by the Bonn Agreement was the interrelationship between economic and social recovery and international peace and security. In paragraph 2, the participants to the Agreement urged the UN, the international community, particularly donor countries and multilateral institutions, to reaffirm, strengthen and implement their commitment to assist with the rehabilitation, recovery and reconstruction of Afghanistan, in coordination with the Interim Authority. For its part, the Security Council, in resolution 1471, stressed that the continued provision of focused recovery and reconstruction assistance could contribute significantly to the implementation of the Bonn Agreement and, to this end, urged bilateral and multilateral donors to coordinate closely with the SRSB and the Afghan Transitional Administration, in particular through the Afghan Consultative Group Process. It reiterated its strong support for the full implementation of the Bonn Agreement. It also supported, in resolution 1536, the objectives of the international conference which took place in Berlin from 31 March to 1 April 2004 to allow the Afghan authorities and the international

community to reaffirm their long-term commitment to take the transitional process in Afghanistan forward, including by demonstrating support for the Afghan political process and its national security, as well as by confirming and generating international financial and other donations. In extending and supporting UNAMA's mandate, the Security Council, in resolution 1589 for example, continued to affirm its support for the implementation of the provisions of the Bonn Agreement and of the Berlin Declaration.

However, the Bonn Agreement is not a "peace agreement" between the parties to the internal conflict in Afghanistan. Only the US-backed Northern Alliance was party to the Agreement (Johnson 2006). As such, the Bonn Agreement is largely a political agreement with little or no clear legal undertakings.

The Afghan Compact and the London and Kabul Communiqués: Sustaining International Cooperation

The process outlined in the Bonn Agreement came to a formal end in 2005 with the completion of the Parliamentary and Provincial elections. The Afghan Compact, the culmination of the 2006 London Conference on Afghanistan, was a successor to the Bonn process and established the framework for international cooperation with Afghanistan for the ensuing five years. The Compact was agreed to by the Islamic Republic of Afghanistan and the international community. Recognition of the interrelationship between peace, security and economic and social development can be seen in some of the Compact's preambular statements. According to the Compact, its parties expressed their:

[Determination] to strengthen their partnership to improve the lives of Afghan people, and to contribute to national, regional, and global peace and security;

...

[Resolve] to overcome the legacy of conflict in Afghanistan by setting conditions for sustainable economic growth and development; strengthening state institutions and civil society; removing remaining terrorist threats; meeting the challenge of counter-narcotics; rebuilding capacity and infrastructure; reducing poverty; and meeting basic human needs;...

The Compact identified security; governance, rule of law and human rights; and economic and social development as three critical and interdependent areas or pillars of activity for the five years subsequent to its adoption. A further vital and cross-cutting area of work was the elimination of the narcotics industry, which remained a formidable threat to the people and state of Afghanistan, the region and beyond. Under the terms of the Compact, the Afghan Government committed itself to realizing a shared vision of the future and the international community, for its part, committed itself to provide resources and support to realize that vision.

Annex I of the Compact set out detailed outcomes, benchmarks and timelines for delivery, consistent with the high-level goals set by the ANDS. Annex I also identified a number of goals in the area of economic and social development. The Afghan Government with the support of the international community agreed to pursue high rates of sustainable economic growth with the aim of reducing hunger, poverty and unemployment. According to the Compact, public investments were to be structured around the six sectors of the pillar on economic and social development of the ANDS which are: infrastructure and natural resources; education; health; agriculture and rural

development; social protection; and economic governance and private sector development. In each of these areas, the objective was to achieve measurable results towards the goal of equitable economic growth that would reduce poverty, expand employment and enterprise creation, enhance opportunities in the region and improve the well-being of all Afghans. The Government and international community also committed themselves to improving the effectiveness and accountability of international assistance as set forth in Annex II. For its part, the Security Council's support for the implementation of the Compact remained up until 2010 (UNSC res 1917), at which point continued support for the reconstruction of Afghanistan was reconstituted by both the international community and the Council to reflect the outcomes of the London Conference of January 2010. The ensuing Communiqué of the London Conference continues the recognition by both the international community and Afghanistan of the formidable development challenges faced by the latter which require sustained, long-term support from the former (S/2010/65). According to the Communiqué:

Economic growth, respect for Rule of Law and human rights alongside creation of employment opportunities, and good governance for all Afghans are also critical to counter the appeal of the insurgency, as well as being vital to greater stability in Afghanistan. (S/2010/65, para. 16)

The significance of economic and social development was reaffirmed in the subsequent Kabul Communiqué which noted the support of the international community for the Afghan Government's strategy of seeking to achieve fiscal independence through an effective mix of investment in critical infrastructure and the development of a skilled labor force and of a strong, value-adding agricultural sector. It was noted that part of the

success of this strategy would depend upon initiatives such as public-private partnerships in social and economic development, through adequate regulatory and institutional reform.

The disparity between statements of intent and subsequent action on the part of States and other donors raises an interesting question around the extent of States' international legal obligations in response to Security Council resolutions affirming the Bonn Agreement, the Afghan Compact, the London and Kabul Communiqués, and UN Charter obligations, more generally. Early Security Council resolutions pertaining to Afghanistan indicate that the Bonn Agreement formed the core of the operation of the mandate. However, the Agreement has been described as neither a domestic agreement, an international treaty, nor a peace-treaty. Consequently, whether the Agreement could create rights and obligations for the United Nations given that the Agreement was merely witnessed by the SRSG to Afghanistan has been questioned (Schoiswohl 2006; Report of the Secretary-General 2002; Bonn Agreement 2001). Similarly, the theory of self-determination, posited to elevate the Agreement to the level of other international agreements, has proven problematic as not all groups were adequately represented and, as a result, a collective exercise of the right to self-determination could not be exercised (Schoiswohl 2006).

Accordingly, it has been argued that the Bonn Agreement does not qualify as an enforceable international agreement so that those provisions that relate to the United Nations should be only interpreted as a declaration concerning the latter's mandate in the political reconstruction of Afghanistan. The affirmation of the Bonn Agreement by the Security Council, in Resolution 1358, would have been unnecessary if the Bonn

Agreement could be regarded as an international agreement between the United Nations and –Afghanistan” represented by the participants to the Bonn talks (Schoiswohl 2006). Similar analysis can be applied to the Afghan Compact and the subsequent Communiqués. Following this view, the assistance provided by donors is not imposed, at least technically, but provided on the basis of the normative framework of the type originally enshrined in the Bonn Agreement. The converse of this analysis is the obligation imposed by upon all Member States by Article 2(5) of the Charter to give the United Nations every assistance in any action it takes in accordance with the Charter. Overall, it would appear that the legally binding, although vaguely worded, Security Council resolutions are dependent upon non-binding legal agreements pledging financial support. This situation raises some questions around the ability of the Council to meet its mandate which may have particular legal consequences for its initial and on-going armed intervention, *jus ad bellum*, in Afghanistan more generally. This type of scenario raises questions more generally regarding *jus ad bellum* and peace support operations if the goal of the intervention is difficult or even impossible to determine, achieve or sustain.

Constructing Peace and Security: Stabilization and Development

Mandates and the Military

The peace support operation in Afghanistan is evidence of a more balanced institutional approach aimed at simultaneously advancing recovery in governance, security, justice and reconciliation, and socio-economic development (Rietjens, Bollen, Khalil, and Fazlullah Wahidi 2009). It has resulted in a greater convergence between military and non-military tasks so that military forces have been playing an increasing role in the conduct of humanitarian and development missions, previously regarded as

being the domain of civilian actors, because of the immediate needs of the situation (Ryan 2007/08; MacNerney 2005/06; Freeman 2007). ISAF is conducting immediate and longer-term stabilization operations either simultaneously with, or in rapid succession to, security operations. Perhaps the most obvious aim of such stabilization operations is the fulfillment of the Chapter VII peace enforcement mandate. However, such operations also aim to establish a secure environment in which local, domestic and international actors, such as UNAMA, can operate.

Provincial Reconstruction Teams: The Front Line in Securing Economic and Social Reconstruction

ISAF established Provincial Reconstruction Teams (PRTs), consisting of military and civilian personnel, throughout Afghanistan to carry out stabilization and reconstruction and development activities. Neither NATO nor ISAF have control over the orientation and work of the PRTs. Each PRT reports to its own national authorities and they tend to reflect the priorities of their troop contributing nations, which often leads to coordination problems and inefficient development assistance (Kouvo 2009). According to the UN Secretary-General, as the number of PRTs increases, as well as the number of countries involved in them, issues of consistency and coordination with the Afghan Government and the international community are increasingly relevant. Therefore, special attention ought to be paid to ensuring that a unified vision and common policy are implemented countrywide (A/58/742-S/2004/230; Tiersky 2009). PRTs assist ISAF's overall goal of assisting the Afghan authorities to establish and strengthen those institutions whose role it is to effect good governance, rule of law and the promotion of

human rights. Development advisors are also embedded within the PRTs, Regional Commands and ISAF Headquarters (NATO March 2010; NATO 2008; S/2003/1212).

In practical terms, PRTs provide area security and support for the reconstruction and development efforts of local, national and international actors. On the one hand, the PRTs' civilian components have responsibility for political, economic, humanitarian and social matters. On the other hand, the PRTs' military components focus on increasing security and stability in the area and building security sector capacity. The PRTs' military components are also responsible for directing assistance to the civilian elements, in particular at the levels of transport, medical assistance and engineering, thus demonstrating the intertwined nature of military and civilian operators. Overall, various kinds of projects are underway, facilitated by the NATO-ISAF PRTs. As the work of the NZ PRT below indicates, schools are being rebuilt with the mentoring or assistance of ISAF engineers, allowing children to resume their education; irrigation ditches, pipelines, reservoirs and wells are being constructed to bring water to the local population and farmers; infrastructure is being repaired and/or built to facilitate mobility and communication; and local people are provided with greater access to medical assistance. Upon request, ISAF PRTs are assisting the Afghan Government and international actors with humanitarian relief. In particular, ISAF soldiers have launched several relief missions, distributing medication, food and winter supplies to help villagers cope with severe weather conditions in different parts of the country (NATO March 2010; Malley 2007; Bosi 2003).

The NZ PRT: The Reality of Stabilization and Development

New Zealand Defence Force personnel began working in Afghanistan following United Nations resolutions adopted after 11 September 2001. From the perspective of domestic law, New Zealand's presence derives from s 5 of the Defence Force Act 1990 which provides:

The Governor-General may from time to time, in the name and on behalf of the Sovereign, continue to raise and maintain armed forces, either in New Zealand or elsewhere, for the following purposes:

- (a) the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act:
- (b) the protection of the interests of New Zealand, whether in New Zealand or elsewhere:
- (c) the contribution of forces under collective security treaties, agreements, or arrangements:
- (d) the contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations:
- (e) the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency:
- (f) the provision of any public service.

New Zealand has maintained a PRT in Bamiyan Province since September 2003. Originally, the NZ PRT was originally part of New Zealand's contribution to OEF. Since November 2006, the NZ PRT has operated under the command of

ISAF. As with all deployments, the Chief of Defence Force maintains full command of the NZ PRT. Operational command of deployed NZDF personnel is the responsibility of the Commander Joint Forces New Zealand. New Zealand also has personnel serving in ISAF headquarters and UNAMA.

The NZ PRT comprises four Liaison teams which facilitate aid efforts, monitor disarmament and assist in the reconstruction of Afghan institutions, including education facilities (NZDF October 2010). The provision of security and stability to facilitate the deliverance of government assistance, capacity building, and governance improvements has been a primary purpose. In 2009, the head of New Zealand's PRT in Bamyan readily acknowledged that security was only part of the mission:

We are heavily focused on development and more recently governance.

The NZPRT is in the middle of a \$US40m 'development surge' with the priorities on roads, health and education infrastructure. This money is being supplied by the US military, with meaningful contributions from NZAID, USAID and Singapore. Significantly, the delivery is all Kiwi led ... Winning the people over is what will win this war; this means improving the lives of Afghans." (NZDF October 2009, 6).

In terms of assisting with governance, the NZ PRT has established relationships with the Afghan regional leadership to monitor and co-ordinate activities in order to strengthen the influence of the Government and marginalize regional causes of instability (NZDF October 2010). Such support manifests itself at the provincial and local

government in the provision of advice and assistance to the Provincial Governor, the Afghan National Police and district sub-governors.

Physical, social and economic reconstruction has been a joint effort. An American military contingent, which has access to funding from the US Commanders Emergency Response Program (CERP), has also been assigned to the NZ PRT. Together, they are responsible for timely project delivery, quality and cost while adhering to and maintaining national guidelines. New Zealand's PRT has introduced a robust Development Plan that includes Terms of Reference for Sector Working Group representatives to ensure it meets both mission and local expectations. The combined personnel are heavily involved in major road infrastructure, health and education programs and have jointly facilitated the successful delivery of over 600 projects since the deployment of the NZ PRT (Breen 2009; Fletcher 2009). The NZ PRT has assisted in the rebuilding of Bamyan's physical infrastructure by identifying, preparing and providing project management for NZAID projects within the region. These projects have provided both employment and new amenities in the region because they are contracted to Afghan companies that hire local workers, thus contributing to economic reconstruction in the area (NZDF October 2010; Breen 2009).

In addition to its work on the re-building of Bamyan Province's physical infrastructure, the NZ PRT has had a particular impact on some basic social (re)development with regard to health, education and security (NZDF October 2009). As of 2009, 83 percent of Afghans had access to basic healthcare, up from just eight percent in 2002 (NZDF June 2009). In Bamyan province the provision of basic health care is a combined effort between the NZ PRT and United States' military personnel. The US

military initiated the organization of clinics so that people in remote areas of the war-ravaged province could access medical checks, and have their animals treated, dosed and vaccinated at the same time. In addition to providing security for the clinics, the NZ PRT team includes nurses and medics. Together with their US counterparts, as well as US veterinarians, the NZ PRT personnel have run all-day multi-purpose clinics in several remote villages that otherwise possess few or no medical facilities (Breen 2009). In this regard, the NZ PRT's policy has been broad, seeing as many people and animals as possible, and, where possible, providing them with medical treatment or advice and referring some people to hospitals and dental facilities in Kabul or Bagram. Cattle, donkeys, horses, sheep and have been vaccinated and dewormed, and dogs have been given rabies vaccinations (NZDF July 2004). Malnourishment has been a major medical problem in the Bamyan area. At the local hospital more than two thirds of the inpatient pediatric admissions have been from (often very serious) malnourishment alone.

According to New Zealand Army nurse Captain Georgina Parata-Turvey:

Hopefully, when the area where we are based becomes stable, and life for the local population returns to some sense of normality, with jobs returning to the local economy and things as simple as being able to grow crops and raise livestock happen without them being 'requisitioned' by the Taliban, the level of malnutrition will decrease. (NZDF July 2004, 5)

In 2009, Afghanistan had thirteen state universities, eight other state institutions of higher education, and a dozen private universities in which 20 per cent of the students were female (NZDF October 2009). At a provincial level, Bamyan Boys' School was built with the assistance of the NZ PRT which helped with planning, the organization of

contractors and the allocation of \$500,000 worth of funds provided by NZAID (Breen 2009; NZDF 2006). According to New Zealand contingent commander, Group Captain Kevin Short, the boys' school —is a very visible and tangible example of progress towards a positive future for the people of Bamyan" as education was key to the success of Afghanistan as a country (NZDF December 2006).

Social redevelopment has also seen members of the NZ PRT engaged in mentoring and teaching roles. In 2007, for example, the NZ PRT approved sponsorship for a four-day Strategic Working Group with the intention of allowing Bamyan's Director of Education and the Province's District Directors to meet together to learn about strategic planning and to assist the Provincial Director in preparing a draft Provincial Education Plan. The Provincial Director and his staff were also mentored in preparation and delivery. At the completion of the Working Group meeting all objectives had been achieved and attendees were united in their appreciation of the experience. Both the organization of the meeting by the NZ PRT and the meeting itself constitute a further strand and practical demonstration of reconstruction as local leaders are prepared to assume responsibility for the development and outputs of their departments (Breen 2009; Smith 2007).

One of the New Zealand Government's key areas of assistance in Afghanistan relates to the Afghan National Police (ANP) (Martin 2006). In this regard, New Zealand Police have worked very closely with the NZ PRT with day-to-day activities for police personnel consisting of training, coaching or mentoring, facilitating the provision of equipment and infrastructure, restructuring, pay-roll, rank reform and other specialist project work. By 2007, much progress (albeit slow) and many notable achievements had

been made in training and equipping the ANP which had resulted in a definite improvement in the overall capability and competence of the ANP within Bamyan Province. A fully functional Regional Training Centre had produced over 2,000 trainees with 1,600 of these trainees returning to their police districts within the Province. The new Bamyan Provincial Police Headquarters building was almost finished, good progress was being made on pay-roll reform and the ANP restructure ‘the Tashkil’ was underway (Breen 2009; Edghill 2007). These successes stemmed from earlier work by the NZ PRT including an NZAID-funded literacy program as illiteracy had been identified as one of the biggest challenges facing Afghan police. In addition, capacity in the local force was further supported by the instruction of local trainers by the NZ PRT (Breen 2009; Martin 2006).

Strengthening security and reconstruction of physical infrastructure saw the provision of seven new police vehicles to the local police by NZAID, the building of five new stations and the occurrence of several other smaller policing-related projects throughout the province. The NZ PRT was charged with training an effective traffic police force in Bamyan province. The extent of the required training was described by Group Captain Howse who observed that, “[F]or many of the people we are training, donkeys have been their main form of transport, so we have to start from scratch with vehicles” (NZDF July 2004, 3). Using two of its own Toyota Hiluxs which it donated to the Bamyan police to use as training vehicles, the NZ PRT trained the local police in vehicle maintenance, driver evaluation and driver training, basic road rules, driving so as to avoid damage to the vehicle by the roads and how to reverse a vehicle accurately. The

police were instructed in vehicle checkpoint drills, skills which local police need to help maintain security in the local area (Breen 2009; NZDF July 2004).

The intended impact of such hands-on activities in terms of physical, economic and social reconstruction finds expression in the views of Air Force engineer Squadron Leader Shane Meighan:

We're trying to build capacity, to get the local council to support itself, and take care of its own planning and decision making. We're here to help them develop the skills to be self-governing. Ultimately we should do ourselves out of a job here I hope. That's our aim. (Martin 2006)

The role of the NZ PRT has also been described as one of giving effect to the Afghan Government and ISAF's aim of establishing a secure environment. That such an approach requires a long term view of security can be seen in the comments of the former Deputy Chief of Plans at the Headquarters of ISAF, Lieutenant Colonel Jeremy Ramsden, who stated:

Security improvements occur when the population sees growth in governance capacity and tangible development effort. Winning the people over is what will win this war; this means improving the lives of Afghans. (Ramsden 2009, 2)

The Deputy Chief was also of the opinion that the challenge for Afghanistan was to integrate the security line of operation (ISAF) with the governance responsibility (the Afghan Government) and development (United Nations) lines to produce a combined effect. He was of the opinion that for ISAF's part this meant genuine engagement, showing "operational patience," understanding the long game, and positioning for it. An

integrated approach to security would require the Afghan Government to extend appropriate governance and to deal with corruption. The integrated approach would require the UN Mission to fulfill the basis for its establishment and to giving effect to its mandate responsibilities (Breen 2009; Ramsden 2009).

As the previous paragraphs demonstrate, the necessities of reconstruction have frequently drawn ISAF and the NZ PRT into activities that go well beyond their originally intended missions of providing direct security, including the delivery of essential services such as health care, education, or food. From the perspective of the military forces, the destruction or defeat of the enemy should remain the key goal. Many military forces may argue that they are not the appropriate actors to be performing non-security related tasks on the basis that the performance of such tasks may lead to: a dilution of the central role and motivation of the military which is warfighting; an overstretching of increasing limited military resources; an overlapping of responsibilities with civilian operators such as NGOs engaged in humanitarian assistance resulting in confusion and tensions between both sets of operators. NGOs may not welcome the input or assistance of the military which the former may regard as inflexible and a threat to the need to appear impartial amongst the local population. The overall outcome may be unrealistic and result in unmet expectations on the part of the local populace (Ryan 2007; Wing 2000), which serves neither the military nor the non-military operators. Increasingly, the reality is that complex peace support operations are deployed to many areas where tenuous security conditions prevent humanitarian organizations, which may be deliberately targeted by insurgents, from establishing a presence. In such situations, the debate on specific domains becomes less relevant, and military involvement in non-

military activities is necessary to provide a temporary gap and gain momentum for reaching the primary military goal: the creation of stability (Rietjens 2009). The achievement of this goal in turn facilitates the destruction of the enemy, the key and traditional goal of the military forces.

However, the blurring of military and non-military roles and the increased co-operation with domestic governmental and non-governmental actors, as well as international governmental actors raises the question of “ungoverned spaces” in international law.

International Law and Stabilization and Development Mandates in Afghanistan:

Plenty of Policies but what about the Law?

Interventions by international organizations such as the UN and NATO, and their on-going presence in Afghanistan, pose some challenges for *jus ad bellum* and *jus in bello*. As part of any consideration of the, arguably open-ended, relationship between the legal objectives for intervention and the manner by which those objectives are achieved, it might be useful to consider some of the policy-based and legal complexities impacting upon the current international presences in Afghanistan

Peacebuilding: A New Policy for an Old Problem?

In An Agenda for Peace, UN Secretary-General Boutros-Ghali stated that in order for peacemaking and peacekeeping operations to be truly successful, such operations had to include efforts both to identify and to support structures that would consolidate peace and advance a sense of confidence and well-being (A/55/305-S/2000/809). Similarly, the Report of the High Level Panel on Threats, Challenges and Change, A More Secure World, stated that, “[r]esources spent on implementation of peace agreements and

peacebuilding are one of the best investments that can be made for conflict prevention - States that have experienced civil war face a high risk of recurrence” (A/59/565, para.

221). Furthermore, the High Level Panel was of the view that:

Along with establishing security, the core task of peacebuilding is to build effective public institutions that, through negotiations with civil society, can establish a consensual framework for governing within the rule of law. Relatively cheap investments in civilian security through police, judicial and rule-of-law reform, local capacity-building for human rights and reconciliation, and local capacity-building for public sector service delivery can greatly benefit long-term peacebuilding. This should be reflected in the policies of the United Nations, international financial institutions and donors, and should be given priority in long- term policy and funding. (A/59/565, para. 229)

Similarly, the Report of the Panel on United Nations Peace Operations (the Brahimi Report) identified the way in which the UN had conceived of, funded and implemented peace-building strategies and activities as being a fundamental deficiency. It not only laid out a clear peace-building strategy in an effort to bridge the chasm between the development and the conflict management sides of the UN (Griffin 2003), it also called for clear, credible and achievable mandates for peacekeeping (A/55/305 - S/2000/809; Breau 2006). Similarly, the link between poverty reduction, economic growth and conflict prevention was identified in the UN’s Millennium Report (A/54/2000) and the theme was further expanded upon by the International Commission

on Intervention and State Sovereignty (ICISS). In its report, the Responsibility to Protect, the ICISS stated:

Too often the responsibility to rebuild had been insufficiently recognized and the exit of the intervention poorly managed with the underlying problems causing the conflict left unresolved. In addition to the more obvious aspects of disarmament, demobilization and reintegration of the armed, other aspects of post-conflict activity were the necessity for justice, reconciliation and economic growth. (ICISS 2001, para.5.2)

According to the ICISS:

True and lasting reconciliation occurs with sustained daily efforts at repairing infrastructure, at rebuilding housing, at planting and harvesting, and cooperating in other productive activities. External support for reconciliation efforts must be conscious of the need to encourage this cooperation, and dynamically linked to joint development efforts between former adversaries. (ICISS 2001, para. 5.4)

Collectively, these reports constitute a rethinking of international policy.

International interventions must now deal with harsh realities such as violent attacks, badly broken infrastructure, mounting frustration with occupiers over insecurity, lack of basic services, and unemployment (Rudderham (2007/08). Neglecting health, education and other needs of the civilian population may not only entrench dependency on external aid and render the population less capable of recovering from war but it may also increase the likelihood of a resumption of conflict. Consequently, the view has developed that humanitarian and conflict management operations must be linked, so that longer-

term, locally-driven, capacity-building development interventions must take root alongside the expensive, large-scale, short-term, externally driven humanitarian interventions responses to that typify the initial response to crises (Breen 2009; Griffin 2003). Although such policy initiatives are to be welcomed, there remains the question of how such policies impact on the law which underpins the deployment of peace support operations, and within which the distinction between military and non-military roles are blurred.

Jus ad bellum

As Security Council resolutions indicate, ISAF's presence is in response to the on-going threat to international peace and security posed by the situation in Afghanistan. Responding to that threat is the legal basis for the collective security response embodied, in this case, in the peace enforcement operation. UNAMA's role is one of assisting Afghanistan to transition from conflict to sustainable peace. It is not a Chapter VII action. Rather, it falls under the broader principles surrounding the maintenance of international peace and security as enshrined in the Charter, particularly in Chapter VI. The Council's endorsement of the Bonn Agreement, the Afghan Compact and subsequent Communiqués and its more recent recognition of the synergies between the mandates of ISAF and UNAMA, in renewing ISAF's mandate under Chapter VII, are evidence of *jus ad bellum*, or a collective security response, based not only on military responses to a threat to the peace. Such endorsement is also evidence of a collective security response which appears to be incorporating non-military responses to deal with that threat (Stahn 2006). Post-conflict reconstruction is not a novel concept. The relationship between peace and security and economic and social reconstruction and development can be

traced back to the early years of the UN and the immediate aftermath of WWII.

However, much of the focus on reconstruction and development takes place in a post-conflict context (A/59/565).

In many ways, the intervention in Afghanistan is following the UN blueprint for peace support identified from *Agenda to Peace* onwards. However, the pacification and stabilization efforts are running concurrently with economic and social development, indeed the latter are part of the stabilization process. The Security Council mandates underpinning ISAF suggest an evolution in collective security where intervention remains to be justified by a long-term, effective plan to deal to the threat that triggered the initial armed intervention. The evolution of collective security practice poses interesting questions regarding the nature and extent of the obligations placed upon the UN, troop contributing nations and the international community to counter the threat to peace and security that formed, and continues to form, the legal basis for peace enforcement in Afghanistan.

Jus in bello

The evolution of collective security also raises difficulties for the operation of such policies by States and peacekeepers within the current confines of IHL. Currently there exists an on-going armed conflict between Afghan Government forces (supported by ISAF), on the one hand, and insurgent Taliban forces (a non-state actor), on the other. Despite the presence of ISAF, this conflict is classified as a non-international armed conflict (Engdahl 2008). Consequently, ISAF (and the Afghan forces) is required to comply with, at a minimum, Common Article 3 of the Geneva Conventions relating to certain minimum standards of humane treatment that are applicable instances of armed

conflict not of an international character occurring in the territory of one of the High Contracting Parties. Additional Protocol II may also be applicable but only where a troop contributing nation has ratified that treaty. This requirement presents one of a number of difficulties in trying to create a cohesive body of international law (Kouvo 2009) given that the United States, for example, has not ratified the Protocol but New Zealand has. According to the Secretary-General, as the number of PRTs increase, as well as the number of countries involved in them, issues of consistency and coordination with the Government and the international community are increasingly relevant. Special attention should be paid to ensuring that a unified vision and common policy are implemented countrywide (A/58/742-S/2004/230).

Customary international law seeks to plug some of the gaps in IHL that regulate non-international conflicts. Both Common Article 3 and a number of provisions of APII are now regarded as to be part of customary international law. The ICJ has affirmed that the provisions of common Article 3 reflect customary international law and represent a minimum standard from which the parties to any type of armed conflict must not depart (*Military and Paramilitary Activities In and Against Nicaragua*, 1986). With regards to APII, among the acts governed by customary international law are the: prohibition of attacks on civilians; obligation to respect and protect medical and religious personnel, medical units and transports; obligation to respect the fundamental guarantees of persons who are not taking a direct part, or who have ceased to take a direct part, in hostilities; obligation to search for and respect and protect the wounded and sick (and shipwrecked); obligation to protect persons deprived of their liberty; prohibition of the forced movement

of civilians; and specific protection for women and children (Henckaerts and Doswald-Beck 2005).

The impact of IHL upon peace enforcement operations is somewhat awkward, however. The UN is not party to any IHL treaties, although there appears to be little doubt but that the provisions of humanitarian law that have customary status do apply to UN forces (Murphy 2003). The UN is not capable of following IHL, which is State-centric, in its entirety. Chapter VII authorizes use of force which would suggest that the rules of IHL should govern the conduct of peace enforcement operations but such operations do not easily sit within the framework of internal conflict law and do not sit at all within the 'inter-state' framework of international law (Engdahl 2008). Thus, the positive obligations regarding the protection of civilians, for example, would appear to apply to combatants but not peacekeepers or enforcers (Murphy 2003).

According to Article 1.1 of the Secretary-General's Bulletin on the Observance by United Nations Forces of International Humanitarian Law, the fundamental principles and rules of IHL set out in the Bulletin are applicable to UN forces when in situations of armed conflict they are actively engaged therein as combatants, to the extent and for the duration of their engagement (Engdahl 2008). The Bulletin contains detailed guidance on Geneva law issues relative to the treatment and protection of civilians, detainees, and wounded and sick combatants. It also contains detailed guidance on Hague law issues relative to the means and methods of combat. The approach of the Secretary-General was based on the premise that peace enforcement operations could not be categorized as traditional armed conflict. The legal status of this Bulletin is debatable but it does provide

a foundation for legal advisors, commanders and civil authorities tasked to implement peace enforcement operations (Hoffman 2000).

Article 2(2) of the Convention on the Safety of United Nations and Associated Personnel states that the:

Convention shall not apply to a United Nations operation authorized by the Security Council as an enforcement action under Chapter VII of the Charter of the United Nations in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies.

This view would suggest that the mere presence of United Nations peacekeeping soldiers in an area of conflict or a theatre of war, while performing a humanitarian or diplomatic mission, does not necessarily mean that humanitarian law binds these troops (Murphy 2003) and they are entitled to the status of civilians under IHL and the legal rights and obligations that ensue. This view is consonant with a *prima facie* reading of the Geneva Conventions and their Additional Protocols and, arguably, clarifies the legal status of UNAMA personnel. For the purposes of the Safety Convention, the status change as between combatant and civilian reflects the same conditions for civilians in general (Engdahl 2008). The Secretary-General also noted that the express reference to the laws regulating international conflict, –gives rise to the suggestion that enforcement actions carried out in situations of internal armed conflict (UNOSOM II type of operations) are included within the scope of the Convention and subject to its protective regime” (A/55/637 2000, 9 (fn. 3)). He concluded, however, that it was not the nature or character of the conflict that should determine whether the Convention or IHL applied

but whether, ~~in~~ any type of conflict, members of United Nations peacekeeping operations are actively engaged therein as combatants, or are otherwise entitled to the protection given to civilians under the international law of armed conflict” (A/55/637 2000, 9 (fn. 3)).

The preceding paragraphs are illustrative some of current legal complexities and potential loopholes in the law. Restricting the rules binding parties to Common Article 3 or to APII clearly overlooks the international dimension to the conflict (Murphy 2003). Moreover, ISAF troops may be combatants engaged in conflict and, thus, subject to broader IHL rules when they are acting as members of national armed forces. The same troops, and/or other members of armed forces in the same armed conflict, when they are not engaged in combat but are acting as peacekeepers are exempted from IHL obligations to respect the rights of protected persons (Murphy 2003). The switch between non-combatant and combatant status may serve to answer some of the questions as to rights and obligations of the combatant. It may address the issue of the rights of the non-combatant but it does not clearly address obligations of peace support personnel engaged in non-combatant roles, a range of activities neatly encapsulated in the role of the PRTs. It may be that the work of the PRTs are simply over and above the minimum standards provided for by Common Article 3 and APII, if such activities are carried out during the course of conflict.

The question arises then as to which body of law are peace support personnel most appropriately subject to, in the international and domestic arenas, in the course of non-combat activities as some of the work of the NZ PRT would appear to be. Arguably, such personnel may become subject to human rights law, in this case, the domestic laws

of New Zealand, with New Zealand, in turn, being governed by its obligations in the international sphere. Currently, however, the application of human rights law to peace support personnel, especially with regard to activities arising from reconstruction and development, is a less than satisfactory approach. Reconstruction and development activities are closely correlated to economic and social rights such as the rights to an adequate standard of living, health and education (Breen 2009). However, accountability for a failure to achieve such rights is not easily resolved as some States, including New Zealand, strongly resist attempts to provide a judicial or quasi-judicial remedy for the breach of such rights (Breen 2008). Moreover, the issue of accountability for the breach of economic and social rights is rife with more uncertainty as the issues of extraterritorial application of human rights treaties and responsibility (state or international) organization for breaches thereof remain to be traversed.

The nature of conflict has changed. More significantly, the collective security response embodied in the Charter sets out the pattern of potential responses. The evolution of peace support operations, including the increased emphasis on economic and social development components, suggests an evolution in both *jus ad bellum*, as well as *jus in bello*. However, only a small component of IHL, being the laws of occupation, was drafted with this type of activity in mind. There remains rather a large gap in international treaty law as regards the issue of whether the military when participating in peace support operations are under any positive obligations such as a duty to build hospitals as opposed to the current IHL obligation to refrain from bombing hospitals.

Conclusion

Peace support operations are a necessary but *ad hoc* response to breaches of international peace and security, or threats thereof. Peace support operations operate under the umbrella of IHL which incorporates, in particular, Articles 1 and 2 and Chapters VI and VII of the UN Charter, as well as the provisions of the Geneva Conventions and their Additional Protocols.

Peace support operations are a manifestation of modern collective security measures as set out in the UN Charter and are indicative of an evolved *jus ad bellum*. ISAF and UNAMA, with their interrelated synergies and their reliance upon the Bonn Agreement, the Afghan Compact and later Communiqués are the legal and practical response to the requirements of the afore-mentioned Charter provisions. The work of the PRTs demonstrates the blurring of the military and non-military roles designed to meet the objectives of ISAF and UNAMA. The situation in Afghanistan is indicative of a peace enforcement operation based on an initial military response followed by an immediate military and civilian component, or a military and civilian component running concurrently. *Jus ad bellum* seems to be incorporating a reconstruction and development response, either way. The broader functions of the military in peace support raises questions for *jus in bello* as States and their armed forces engage in stabilization and state-building initiatives, initiatives that are not easily incorporated into IHL.

With regards to Afghanistan, a clear link between peace and security and stabilization and development exists and the link underpins the peace support operation. However, the extent of the legal obligations incurred is not clear as the mandates are vague. On a more positive note, it would appear that the international community in

Afghanistan is seeking to follow quite closely the peace-building strategy outlined by the UN over the past two decades. However, the manner in which such a strategy fits into the framework of international law governing those who have undertaken the responsibility to effect the strategy remains unclear. The legal consequences of these developments for IHL is unclear given that the latter was drafted largely to deal with inter-state conflict and, to a more limited extent, internal conflict. The boundary between these categories is no longer clear in the context of peace support missions, especially those authorized under Chapter VII. As the work of the NZ PRT suggests, the nature of military roles is evolving as it increasingly engages economic and social reconstruction and development.

This state of affairs raises the question of whether the international community needs (yet another) treaty, a further Additional Protocol to set some parameters for peace support operations. Such a treaty might assist in drawing together a framework against which issues such as the extent of a State's obligations, the manner in which such objectives are to be met and how the international community, and troop contributing nations such as New Zealand knows that it has met its objectives.

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Restorative Classrooms: Critical Peace Education in a Juvenile Detention Home

Cheryl Duckworth

Abstract

This article describes several of the more successful critical peace education methodologies and perspectives that I was able to bring to my classroom in a juvenile detention home. For example, reflective writing and community analysis of nonviolent peace movements formed the core of my curriculum, as did critical analysis of the social processes of stereotyping and dehumanization. As a result, numerous students grew in their ability to write, express empathy with others, identify bias and articulate critical analysis of their schools, among other political systems. This analysis will contribute to the growing body of work on the practice of critical peace education.

The Need for Peace Education

What can critical pedagogy contribute to preventing and reducing the violence endemic in the communities of many adjudicated students? While some of the literature on peace education is highly theoretical, I come from the perspective that probing and developing what actually goes on in classrooms (or other venues of peace education) will also bear fruit with respect to the transformative peace and justice mission of critical peace education. First I will discuss some of the relevant critical peace education (CPE) theory; then the majority of this article will offer a narrative description of some of the most successful activities my middle and high school students and I engaged in through the lens of CPE theory. My primary purpose here is to advance the growing depth and

legitimacy of the field through this CPE analysis of a specific curriculum practiced in a U.S. juvenile detention home classroom. I hope this analysis will contribute to the growing body of work on the *practice* of critical peace education. This is especially important work for critical peace educators to engage in, I believe, because our field remains so little understood outside of our niche. Also, in these intensely partisan and divisive times, our work, like my students' lives, can too often become politicized and seen as dangerous. Hence my call for us to tell our stories.

All critical peace education assumes that classrooms are not politically neutral places. My challenge teaching writing, literature and conflict resolution for three years with adjudicated students was that my students were often precisely the marginalized young men and women who lived the structural violence which Galtung (1996) and Freire (2003) theorized. Their lives were too often what critical theorist Habermas (1981) might have referred to as "colonized," under society's microscope. By this Habermas meant that the very communicative, daily social spaces of their lives were shaped by political, economic, cultural and educational systems. Essentially Habermas argued that critical dialogue ("communicative action" in his phrasing) between individual citizens was a vital socio-political space where true democracy was either reproduced or threatened. As he wrote, "this leaves culture with the task of supplying reasons why an existing political order deserves to be recognized" (Habermas 1981, 188). He continues, "...the functions of exploitation and repression fulfilled by rulers and ruling classes in the systemic nexus of material production have to be kept as latent as possible" (Habermas 1981, 188). In other words, the cultural narratives and political and economic systems which oppressed my students were likely hidden to them, yet they actively reproduced

this culture by default and would probably continue to do so until those oppressive cultural norms and politico-economic systems became visible. Certainly they had no illusions about the cultural forces of oppression; they knew far more experientially about such oppression than me! Yet there is a subtle but important difference between the awareness of such realities, and possessing the skills and *belief in one's own agency* needed to be a part of transforming structural violence. This subversive objective has always been central to critical pedagogy: "...as a result of an evolving critical pedagogy, teachers and students will gain an ability to act in the role of democratic citizens" (Kincheloe in McLaren and Kincheloe 2007, 38; see also McLaren 2005, 83; Malott and Porfilio 2011). Planting the seeds of such agency, the ability to be a thoughtful, active, critical citizen, was a central goal of my pedagogy.

My students' lives were politicized spaces in ways often beyond their control. I designed my curriculum with this in mind. One half of my imperative was to help them, through our readings, discussions, activities and writing, to deconstruct their own choices as well as the larger systems of which we are all a part. The other half of this imperative was to offer compelling examples of social change, and to facilitate their development of the skills necessary to contribute to it. In so doing, I hoped to help them build practical skills for their future, yes, but also the social, creative, imaginative and critical skills they would need to navigate futures which they quite rightly viewed as dangerous and uncertain. (Like other ~~at~~ "home"—detention home—educators, I had students insist to me that it did not matter if they graduated, as they would not likely live until graduation!) Boulding (2000) in particular, of course, emphasized the role of imagination as an essential skill for building peace and social justice. Without this skill, students and

societies are hard pressed to develop empathy, understand themselves as empowered agents or to envision a more peaceful, just future for their communities.

Recent scholarly work has included attention to the rationale for and philosophical underpinnings of peace education. Bajaj (2008) recently called for scholars to “reclaim” critical peace education in particular (as opposed to generic peace education). Calling for increasing empirical description, such as I attempt to provide below, she writes that, “The field would benefit from greater emphasis on both research for the sake of greater knowledge about local meanings and experiences....” (Bajaj 2008). Significantly, Bajaj links empiricism to this attention to local context and argues that this type of empiricism is essential to a successful CPE reclamation. It is my hope that the below classroom narrative demonstrates just such a localized application of CPE theory to a juvenile detention home context.

In addition to a need for localized empiricism, scholars of critical peace education have put forward other important critiques of typical approaches to the collaborative, community-building activities common in CPE; Beckerman (2007), for example, argues that the too-individualized approach he often observed in Israel-Palestine dialogue groups might well be insufficient for addressing power imbalances and truly empowering students to collectively act for sustainable political transformation. As he writes, “At this point we might either despair or try to challenge present realities and theoretical understandings by attempting to redirect educational activities from their dealing with cognitive categories to their work towards changing the relations of power through active participation in the world” (2007, online). Here Beckerman puts his fingers on the pulse of how I understand critical peace education. Because asymmetrical power relationships

are a key driver of so many interpersonal, community and international conflicts, empowering students with the skills, agency and knowledge to transform unjust social, economic and political systems is the ultimate objective of CPE. Of course, this is a common theme throughout the literature on critical pedagogy. Henry Giroux offers a similar observation when he writes, —Critical pedagogy refuses the official lies of power. On the contrary, paraphrasing Bill Moyers, it is, in part, a project whose purpose is to dignify people so they become fully free to claim their moral and political agency.’ Critical pedagogy opens up a space where students should be able to come to terms with their own power as critical agents....” (Giroux in McLaren and Kincheloe 2007, p. 1). This is the theoretical lens I will apply to the classroom curriculum narrated below.

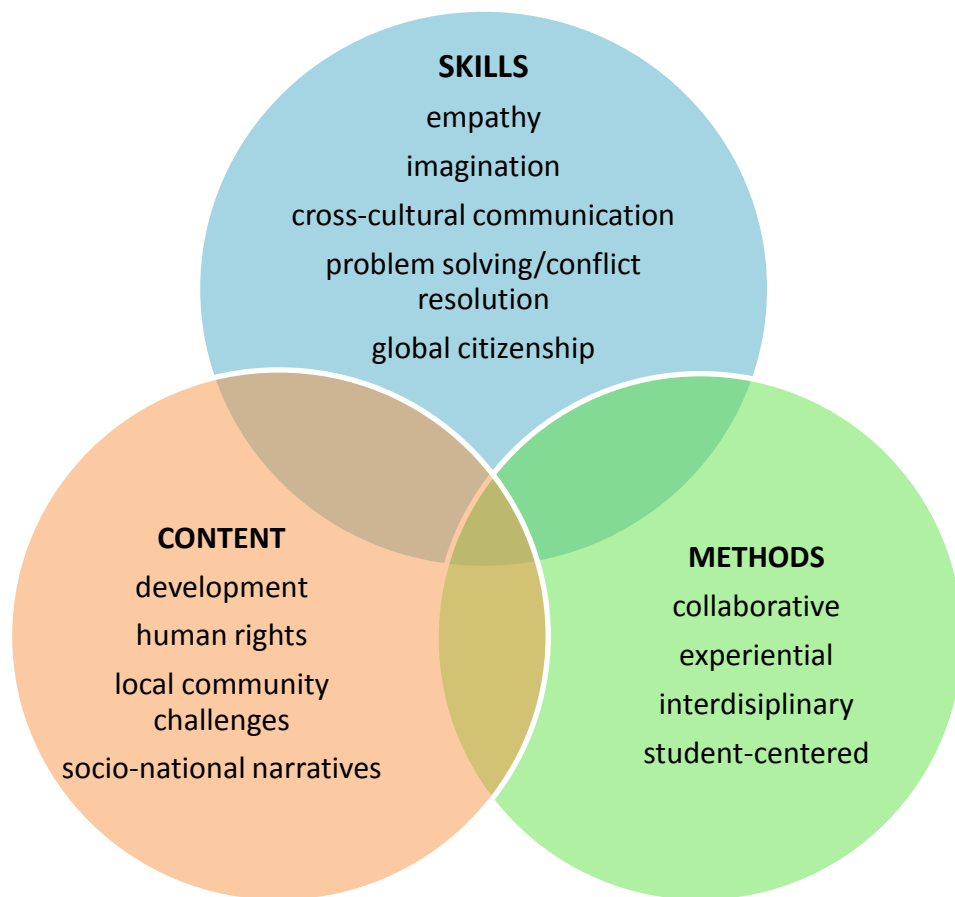
Other recent scholarship in peace education generally has traced major themes within peace education or given specific attention to barriers which peace educators too often face (Ndura-Ouédraogo and Amster 2009; Harris and Morrison 2003). Recently an *Encyclopedia of Peace Education* (Bajaj 2008) began the work of tracing founders of the field, major themes, debates within the field, and various theories of peace education. Scholars such as Rizvi (2004) examine education in the context of globalization through a post-colonial lens. While he does not address CPE directly, he does offer an astute discussion of the need for educators to, as I interpret him, unpack with their students dominant narratives relevant to the War on Terror, surely an urgent discussion for critical peace education classrooms given the millions of lives impact by this war. That said, there is no “practice piece” here; the article is wholly theoretical. Another study of peace education in former-Yugoslavia examines student development of “peace knowledge” (Wisler 2010). It provides an impressively personal and detailed narrative of the

phenomenological experience of three students, yet its purpose does not seem to have been an integration of their experiences with CPE. Another recent study of a higher education conflict resolution classroom does an impressive job of sharing with us a classroom narrative regarding critical reflection portfolios; the authors are admirably transparent in their assessments of what was successful and what was not with this experiment, and to my mind, integrate CPE impressively. For example, while they do not address social power dynamics outside the classroom, the explicit goals of the critical reflection portfolios and collaborative learning model they employed were to begin developing the critical analysis habits of mind which are essential for later engaging structural violence (Kelly and Betts 2008). Most importantly they provide details of classroom practice which can too often be lost in pedagogical theorizing.

In other recent scholarship, Julie Morton offers a strong integration of teaching literacy and teaching critical conflict transformation skills. The dialogical, creative and critical thinking skills involved in study of literature, Morton argues, can be used by a CPE teacher for also teaching the skills of conflict transformation. As she writes, “I propose that we teach conflict transformation in public schools today by integrating peace skills into literacy classes. Literacy implies an active and investigatory approach to text, and conflict transformation entails the same active and investigatory approach to conflict” (2009, 45). While she does offer some examples from classrooms, her work is more predominantly an inspiring theoretical argument for the natural fit between critical literacy and conflict transformation skills, as opposed to a detailed classroom narrative. Again, while theory is essential, it is equally vital to illuminate and evaluate what critical peace educators actually do in their classrooms. This aids new critical peace educators,

as it facilitates their conceptualization of how they themselves might undertake a critical peace pedagogy. In addition, I believe these stories from the classroom are essential to making the case for our work in an often skeptical (and funding-starved) environment.

I will offer here a few words on my understanding and experience of peace education in general before proceeding to specifics from my own classroom. One key insight is that peace education involves all three traditional aspects of curriculum design: skills, content and methodology.



Important skills include communication, compromise, problem-solving (especially in cross-cultural contexts), imagination, global citizenship and empathy. Common content areas in critical peace education include protecting the environment, human rights, understanding the processes of stereotyping and its relationship to

violence, disarmament, or the underlying socio-cultural, historical, political and economic causes of war. Because of the role that socio-national narratives often play in facilitating war, I often argue that being able to articulate and trace the development of one's own national narrative is an important content area for critical peace education. Can students (and teachers?) identify the historical and cultural myths which have been used to justify violence? Centered as critical peace education is around compelling and authentic problems faced by particular students, the curriculum is almost certain to be interdisciplinary. Relatedly, the activities and lesson plans designed by a critical peace educator should be experiential. I join numerous other critical peace educators in arguing that this interdisciplinary nature of a critical peace education curriculum is crucial because the academic divisions themselves are artificial (Harris and Morrison 2003). They have traditionally served the needs of bureaucracies and corporations, not students (McCarthy 2003; Giroux 2010).

Crucially, a critical peace educator's methods should flow from and resonate consistently with the above skills and content. Methodology therefore should be active, consensual, participatory, collaborative and engaged in real-world problems—problems significant to the communities from which the students hail (Duckworth 2008; Boulding 2000; Harris and Morrison 2003; Freire 2003; Montessori 1972). Such methodology should honor students' cultures and full humanity. For example, as Boulding and McCarthy both suggest, a critical peace educator would not likely fear to “diverge” from a prescribed curriculum, which may or may not be designed by someone who understands the needs of individual students in a particular local context (Boulding 2000, 154-5; McCarthy 2003, 53). Boulding observed that this common lack of relevance helps

explain the rapid growth of home-schooling, community-based learning and other alternative approaches (Boulding 2000, 227-229). Relatedly, outcomes and assessment of student progress in a peace education classroom must be authentic and holistic. Has the student grown as a person? A thinker? A listener and communicator? A critical, global citizen? Based on my classroom experience, such a qualitative, subjective evaluation often causes discomfort in the very educational bureaucracies, so dependent on standardized tests, in which I would like to see critical peace education mainstreamed (for more on this see Kozol 1991 or Love 2011). This, again, is why I argue that scholar-practitioners must tell their stories, building a rich, varied collective narrative of the power of critical peace education to transform lives and communities.

Since I have suggested that critical peace education is sometimes greeted with suspicion or confusion, a brief reflection on why such skepticism still exists might be of use before proceeding further. My purpose here is both to make an argument for mainstreaming critical peace education (Brantmeier 2011), as well as to paint a portrait of what it might look like in practice, especially in an often violent context. One argument critics of peace education have made is the inherent political bias that they perceive. In the course of examining the underlying causes of war and violence, critical peace education classrooms often naturally challenge dominant socio-political narratives and even deeper cultural narratives about the nature of human beings and social systems. Along with many other peace educators, I would respond that the manner in which we currently teach normalizes violence and war. Elise Boulding (2000) classically made this argument in her work *Cultures of Peace: The Hidden Side of History*. She argues that, ~~h~~history is generally thought of as the rise and fall of empires, a chronicle of reigns, wars,

battles, and military and political revolutions; in short, the history of power—who tames whom and who controls whom” (Boulding 2000, 1). Continues Boulding, “Yet a closer inspection of social records, the bias towards reporting war notwithstanding, reveals a much richer tapestry of human activities” (Boulding 2000, 15). Boulding here notes that history education (and other forms of socialization) too often simply understands the human experience as a series of wars, presenting war almost as a generational rite of passage. As a critical peace educator, I argue that such a view of war as inevitable can readily become a self-fulfilling prophecy. Critical peace education is then a necessary corrective to present biases long unrecognized and unchallenged in most national curriculums.

Numerous other scholars and practitioners of critical pedagogy concur that, given the injustices and inequities of our social, political and economic systems, neutrality is no virtue (McCarthy 2003; Sintos 2009). As Roger Simons writes,

As an introduction to, preparation for, and legitimation of particular forms of social life, education always presupposes a vision of the future. In this respect a curriculum and its supporting pedagogy are a version of our own dreams for ourselves, our children, and our communities. But such dreams are never neutral; they are always someone’s dreams and to the degree that they are implicated in organizing the future for others they always have a moral and political dimension. (cited in Giroux 2004, 372).

If I was going to meet the needs of my typically marginalized and economically disempowered students, my classroom was going to have to be a safe space for them, which meant forgoing illusions of a culturally or economically level playing field. By

opening my classroom to critical dialogue about the systemic violence my students faced as described below, I could at least begin to, in whatever days or weeks I might have with a particular student, foster skills and awareness needed for him or her to become a more empowered citizen.

On Writing and Empathy: Tell Your Story

—“Why’d I have to come to jail to read a good book?” ~15 year old male student-detainee

As I have been describing above, what distinguishes “critical” peace education from peace education more broadly is its foregrounded concern with exposing and challenging violent or oppressive macrosystems, be they cultural, historical, political or economic. Critical peace education bears in the front of its mind that, of course, peace and justice are inextricably linked. Though she is not classically thought of as a critical theorist (in the sense that Freire, Foucault or Habermas might be), such themes run through Boulding’s *Cultures of Peace*, which makes the central argument that without critical examination of some of our deepest cultural assumptions, we cannot truly transform the causes of violent conflict. Boulding further reminded her readers that it was peace educators who first called for the underlying causes of violence and possibilities for peace to be the center of classroom life:

It was peace educators who insisted that peace research should not only undertake general systems analysis of intergovernmental relations but also conceptualize the interrelationships of peace, security, economic and social development, environmental issues, human rights, and the participation of women and minorities as a central problematique of human learning. (Boulding 2000, 118).

What follows, then, is one (and only one) picture of what a critical peace education curriculum can look like, even in the often violent, always changing context of a juvenile detention home. The detained students who came through my door over the course of three years were often both the victims, as well as the perpetrators, of various kinds of violent crime. This ranged from probation violations and truancy to violent gang involvement and even murder. While privacy concerns prevent me from giving any specific details, I can share that my students ranged from ages eleven to eighteen. They were most often from Washington D.C., Metro Maryland or Northern Virginia, but we also housed students from throughout the country and Immigration Control and Enforcement (ICE) detainees from throughout the world, though most often Mexico, El Salvador and Nicaragua. Far more male than female, again they were often both the victims and perpetrators of both nonviolent and violent crimes. Their levels of literacy ranged from illiterate to sometimes confident and quite skilled and comfortable with speaking, reading and writing. Naturally for some English was not their first language. Many were labeled Special Education and/or ADHD. Racially our students were predominantly, but not exclusively, black. The second largest racial demographic was Latino/a. We did see some white, Middle Eastern and Asian students but this was rare. At least two thirds of the students in our classrooms were in some way ~~gang~~ "gang related" through either membership, parental membership, boyfriends' membership or ambiguous ~~prior~~ "membership. The violence that did occur in our facility was almost always related to gang turf; this was especially true of members of MS-13, the Latin Kings, 18th Street, the Bloods and the Crips. When asked why a particular incident had occurred, they typically referred to revenge for ~~disrespect~~ "disrespect" and racial slurs.

One, sometimes even two (depending on class size), detention home staff were always in the classroom with me for security reasons. They were regularly called upon to break up fights, typically in the hallway between classes or after school but at times during class as well. In addition, students (and yours truly) were under literally constant surveillance. A camera sat in the upper right-hand corner of the classroom, its red eye blinking steadily. The staff in “intake” (the first room one entered in the jail, where detainee and visitor processing took place) could view anything in the building at any time. Truly, I was teaching in Foucault’s panopticon (see Foucault 1995).

This then was both a challenging and compelling context in which to attempt critical peace education, made even more challenging by the reality that most students were in my classroom less than one month. Would the students respond? How does one build any kind of community in such a transient context, let alone a community which was centered on the values and themes of peace and conflict resolution, given some of the experiences my students had survived and given that they often came and went unpredictably, at the dictates of a structurally violent juvenile justice system? Had they ever been asked to think about ideas such as non-violence or peace, perhaps by a family member, pastor, or teacher? Listening to them was the only way to know.

As a critical peace educator, I believed that if I trusted my students with the “big ideas,” at least many of them would respond most of the time. Peaceful pedagogy, as usefully delineated by Harris and Morrison (2003), reminds us that the curriculum and methods should be centered around the interests and needs of the students. In advocating for peace education, they argue that what most students already receive is a “war education,” and that therefore peace education is a crucial corrective to this bellicose

bias. In so doing, they build on the observations of Boulding (2000) which I noted above. They specify that “war education” centers around selfish behavior, authoritarian methods, traditional teaching, moralistic explanations of behavior, coercion, and structural violence. Alternatively, peace education emerges from responsibility, open classrooms, innovation, social science explanations of behavior, self-motivation and the freedom to pursue interests. The chart below reflects this (adapted from Harris and Morrison 2003, 211).

War Education	Peace Education
Selfish behaviour	Responsibility
Authoritarian methods	Open classrooms
Traditional teaching	Innovations
Moralistic explanations of behavior	Sociological explanations of behavior
Coercion	Self-motivation
Structural violence	Freedom to pursue interests

Importantly, they identify responsibility as a key value of peace education. I highlight this because of common misconceptions that critical peace education, especially in a juvenile detention home context, might be inclined to explain away or excuse some of the crimes committed by our particular students. I argue that this misunderstands peace education entirely; there is no empowerment or freedom in excuses. A critical peace education does, however, as Harris and Morrison note, facilitate student understanding of themselves as part of a whole, integrating structure and agency. As Freire (2003) so seminally argued, a critical peace education should guide students to

better understand their social, cultural, political and economic context. A “pedagogy of the detained” then might pose to students such questions as why they believe they made the choices that they made, what they desire for their futures, what strengths and skills they believe themselves to possess, what resources they have or need, and what socio-political factors constitute their worlds. These problems then themselves constitute immediately engaging and relevant curriculum. Given its focus on deconstructing internalized narratives of worthlessness which too many of my students held, posing such questions also began a critical peace education curriculum for my students. Through our reading, writing and discussion, I invited students to consider who had told them they were meant only for prison and why. Whose interests did this serve? Why did they believe it? Were there alternatives? How had their surroundings shaped their lifeworlds? How had others achieved significant social change? Could this model relate to them at all? Again, recalling the observations from the above scholars that an essential goal of critical peace education is to engage students in the empowering co-naming and shaping of knowledge and of their realities, I wanted my classroom to be a space where students could ask and reflect on such powerful questions.

The dictates of state curriculum did not typically encourage individualized education, but centering my classroom around online journals in which my students told their own stories, prompted by the focus questions above, provided me with a means of both satisfying bureaucratic requirements and the basic human need of my students to connect with others and be heard (Burton 1998). Indeed, I believe this activity can form the basis of what one might call a *curriculum against recidivism*. In addition to introducing students to critical social analysis, the activities I designed were meant to

elicit what is arguably the cornerstone of peace-building: empathy. Without this, the open classrooms and innovations which characterize all peace education may not be possible; this is especially true of peace education programs undertaken in conflictual or even violent contexts, such as a prison or war zone. In my opinion, if critical peace educators are to truly transform structurally violent systems and thereby transform and prevent conflict, these are the sorts of contexts where our methods and theories must prove themselves.

What then is the connection between personal writing and social empathy? Through their personal reflective journals, students were able to achieve a number of important educational goals far above and beyond improving (or just beginning to develop) writing skills. Key among these was the ability to connect with others, a skill notably underdeveloped in most of my students in this context. This is especially important for young men and women who have been the victims of and perpetrators of violence. For whatever reason these students lacked the ability, at least at the moment of their crime, to maintain self control and call upon what is for most of us a natural human empathy for fellow humans. Psychologists often argue that the development of a “self” is first necessary for a young person to develop empathy, a key outcome (I hesitate to use such a positivist word!) of peace education. Without the ability to recognize and articulate one’s own emotions, how can someone recognize them in another? Journaling was a perfect invitation to explore their emerging identities and to consider what had led them to my classroom behind barbed wire as a first step towards developing the skill of empathy.

In his new work *The Empathic Civilization*, for example, Rifkin (2009) argues precisely for this link between telling one's story and empathy for others. With particular relevance for the humanities, he notes the role of language in the development of empathy. Writes Rifkin, "The ability to use language to describe one's feelings, tell one's story, and share experiences intensifies and deepens empathic expression....Not being able to tell someone how one feels weakens the empathic impulse and response" (Rifkin 2009, 67). This resonated deeply with any number of times I witnessed students share the most difficult of traumas with classmates and me; such stories too often involved the violent death of loved ones or expressions of fear that the writer would not be able to make the personal changes he or she wanted to make. I witnessed students literally discover ideas they did not know they had, often quite moving and profound thoughts on redemption, love, hate, family and God! Often the very students who insisted that they "had nothing to say" were the ones who found themselves needing to share a particular insight or experience with the rest of the class. One young man entered my classroom insisting he was not even literate; by the end of our three months together, he insisted on sharing his personal narratives and poetry. Given that their socialization often predisposed them to disdain any sort of school work, and the realities of needing to seem "hard" in the context of prison culture, students needed to overcome significant socio-psychological barriers to experience this sort of success.

Removal (at least temporary) from society, and the stamp of said society's disapproval, are inherent in being incarcerated. This made helping students to feel heard and valued all the more important if I was to achieve anything like a critical peace education in a juvenile detention context. Because the act of writing often created

considerable anxiety for students, especially the sort of personal, reflective writing I was asking for, I decided to engage their seemingly natural affiliation for technology by creating [a class blog](#). In addition to the publishing parties described just below, this served as a means of connecting students to authentic audiences. Here students could anonymously post memories, questions, rhymes and reflections. Importantly, members of the public could respond and any time a student received a response, I would print it out for her. Both peace educators and the great writing teachers have always known that writing is about making a human connection. Similarly, as theorized above from Habermas (1981), organic community connections and cultural life are a site of resistance to oppression, and so essential to a critical peace education classroom. Thus providing an experience where detained students could build such connections with me, one another and the community at large, I believe, was one (if only one) essential part of empowering students to not reoffend and to begin imagining themselves as agents of social change—what I referred to in my title as a ~~re~~restorative classroom.” Young people (and adults, I imagine) are far less likely to offend against a community to which they feel internalized connections (Thornton et al. 2000; Zeldin 2004). While other more macro-policies are key to young people not reoffending as well (such as youth employment, mentoring and college scholarships), the emotional and psychological connections young people feel towards their communities are also essential. Critical peace education, especially when undertaken in such difficult or even violent contexts, must endeavor to facilitate students (re)building such ties.

In addition to personal reflections, students also used their journals to analyze society, a use which I as a critical peace educator explicitly encouraged. Many current

theorists on social change write that false dichotomies between “structure” and agency” are fading into the past (Jabri 1996, 55-87). Rather, what practitioners and scholars of peace-building (peace education included) increasingly understand is that human behavior is produced by the interactions of both local and global systems (structure) with personal choice (agency). These interactions are highly contingent and contextual. Through a combination of readings centered on themes of non-violent social change, and near-daily personal, reflective writing, I hoped to empower students to make just such connections. While students were always free to write about whatever topic they wished (bearing in mind that I was a “mandated reporter” legally and would have to report any threats to the safety of oneself or someone else), I would often pose prompts directly related to violence and peace. In my experience it is essential to be direct and explicit in engaging students on these issues, which are too often outside of the mainstream of U.S. educational and political culture. Otherwise it is all too likely that students will uncritically reproduce the structurally violent culture which marginalizes them.

Many students, especially those who resent schools for failing to challenge them or take their ideas seriously, were obviously eager to explore connections between their own difficulties and their socio-historical legacy. I recall one young man asking why so many pictures of God depicted Him as white; another young man who consistently expressed determination to be accepted to college, wondered in a journal why he had had to come to jail to access “a good book.” He also began, at the encouragement of our social studies teacher and me, to use this journal to explore his growing interest in local and global politics. For example, he shared reflections on the election of Obama, adult failure to effectively deal with violent crime in D.C., the experience of relating to a child

soldier's memoir from Sierra Leone and human rights abuses in Sudan. Clearly this was a young man beginning to find his voice.

A young Latina woman in my classroom filled a notebook full of memories and reflections of growing up in a gang-related family; many of these entries were shaped as dialogues between her mother and herself. Importantly from a critical peace education standpoint, in these journals she also analyzed U.S. immigration policy and an increasing culture of racism. Another young woman, nearly a senior, spent several days disengaged from any class discussion, writing furiously throughout the entire period. When she finally invited me to read her entry, I found a narrative of rape and homelessness in which older men exploited her vulnerability.

Yet another young man, a high-ranking gang member as I understand it, nearly eighteen, similarly would ignore what was going on in class to fill pages and pages of his journal. He was one of the students in my classroom who did not have to pretend to be hard; he intimidated the other kids just by sitting there. Often he would illustrate his journal entries as well; I can still picture the stick figures holding bloody machetes and wearing facial expressions reminiscent of Munch's *The Scream*. He wrote about his victims and experiencing nightmares and thirsting for forgiveness. Yet what I recall even more vividly is the afternoon, as I was delivering books to students from the classroom library that I kept, he approached me, uncharacteristically quiet and shy. I asked what I could do for him; he asked if it would be alright if he took more time than the other students to finish writing. I told him he was welcome to take all the time he needed. He was among the number of students who asked if he could take his journal with him when

he was transferred. I could continue, but the entries described above are representative of entries I read and responded to on a daily basis.

Because building community is essential to transforming oppressive or marginalizing sociopolitical or economic systems, I felt I would be remiss to not fully realize the potential of these journals for classroom community building. As the foundational critical theorists note, sharing stories in community is an essential means of reclaiming “colonized” socio-political space. Habermas suggested this repeatedly when he wrote of the dangers of “cultural impoverishment” and the dangers of an increasingly “decoupled system and lifeworld” (Habermas 1981, 332-373). In other words, organic human cultural and social interactions were increasingly dominated by a more impersonal, mechanized bureaucracy which served and reproduced the power of the elites. The act then of “telling your story” and listening to those of others can be seen as resistance to marginalization. My students were conditioned to roll their eyes when reminded that “knowledge is power.” I wanted them to experience the larger, powerful *political* truth of that statement through writing and sharing personal narratives.

Hence at the end of each semester, I invited my students into a “publishing party.” If students were to begin becoming young community leaders, I thought it was essential that they experience themselves as someone with something to say! So I invited each student to share a journal of her choice, which she expanded into a personal narrative, with the rest of the class. Because many of these writings were intensely private, it was important to allow them to make this choice and to be informed in advance that they would indeed be sharing at least one entry.

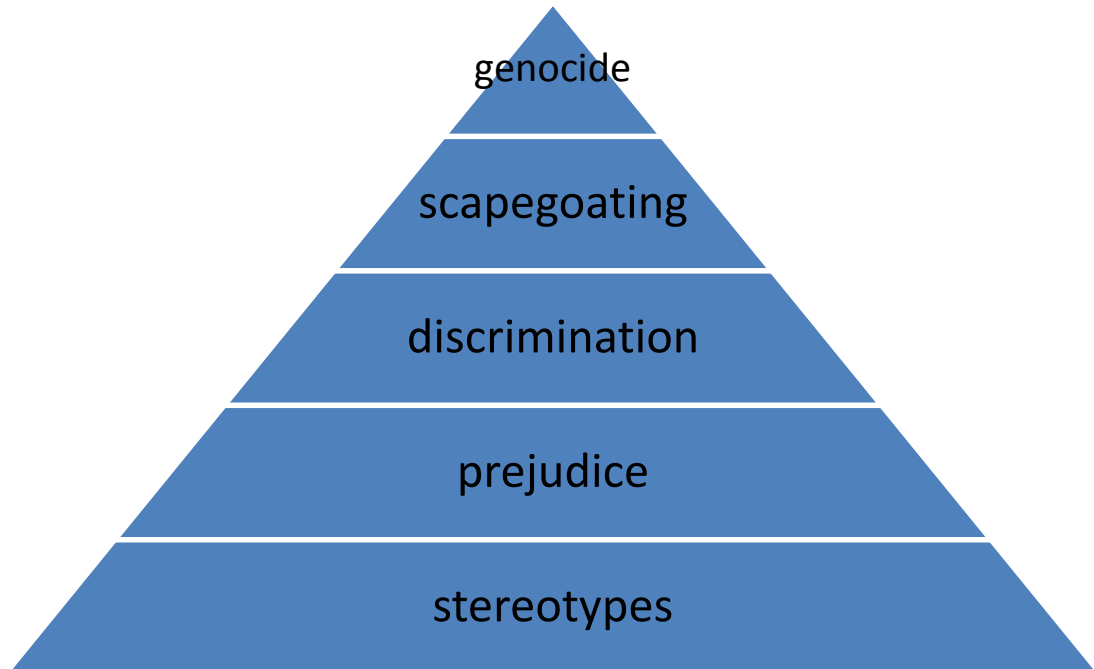
Nor did these community celebrations disappoint. For example, one young man from Anacostia (a neighborhood in Washington, D.C. which has suffered more than its share of structural violence), who made a point of telling me that he never did any work in other classrooms, wrote about the first time he bought a gun. He had felt unsafe on his walk to school and apparently his father had not been able to respond as he'd needed. His father, in fact, drew on structurally violent narratives of masculinity, telling my student to ~~man~~ "man up." To make matters worse, his mother had been recently diagnosed with cancer and thus could no longer work. This was a clear teachable moment for any critical peace educator facilitating student understanding of oppressive social narratives and systems. In discussing his story, we wondered, for example, if some of these problems could have been solved by more effective law enforcement or public health care. We further wondered if his father would have responded differently to a daughter rather than a son. When he asked if I thought he should share this story during our publishing celebration, I said indeed I suspected it would resonate with many of his classmates. He did, and in this classroom of twenty fourteen to seventeen year-old incarcerated young men, there was not a dry eye.

In my interpretation, the above narratives demonstrate student hunger to be invited into a conversation around the challenges they grapple with. I dwell on this, as I am sure is obvious, to dispel stereotypes to contrary—stereotypes which themselves have a role, of course, in reproducing the ~~–~~savage inequalities" (to echo Jonathan Kozol, 1991) of the U.S. education system. While writing was often an intimidating experience for many of these students (especially those for whom English was not a first language), the innate human need to make meaning through narrative and to connect with others proved

sufficient incentive. As exemplified above, they also provided a means for me as a critical peace educator to facilitate student understanding and critical analysis of the larger cultural, social, economic, political and historical processes which shaped their realities.

From the Ladder of Hate to the Ladder of Peace

As noted before, since many students in any school system are not explicitly introduced to ideas of peace and conflict resolution, I found it important to be explicit in offering activities, discussions and writing prompts around such concepts. Essential to my understanding of critical peace education is empowering students to understand the social processes through which structural and physical violence is produced and ~~justified.~~” For many of my students (typically aged twelve through seventeen) these were novel and abstract concepts. One technique I found successful for introducing them was a simple graphic which I adapted from the Anti-Defamation League (n.d.) and called ~~the~~ “the Ladder of Hate.” My critical peace education learning objective here was to facilitate student understanding of stereotypes, how they function on an interpersonal and social (even national and international) level, and how stereotypes are often the root of violence. The graphic I used is directly below.



The more I listened to my students tell their classmates and me of (for example) their dislike for immigrants, or of obvious racial segregation in their classrooms and lunchrooms, the more convinced I was of the importance of initiating such conversations with them. Some of my students had had teachers refer to them using racial slurs; other students—who had never been out of the country—had experienced others telling them to “go back where you came from.” Students confirmed that typically, when left to their own devices in the lunch room, the white students would sit with the white students, the black students with other black students, Muslim students with Muslims, Latino students with other Latinos and so forth. Such experiences were enough to convince me of the relevance of this content for my students. Often these discussions would extend through the entire class period, and I would have to reorganize my plans for the week. A microcosm of larger society, some students were determined to interrupt such dynamics by engaging a diverse group of friends; others did not think progress was possible. Many

students called out adults for the poor example they felt such adults provided. We debated whether such hate was internal to human nature, or a product of social learning. Nearly all of them wondered (as I did at the age of twelve first reading the *Diary of Anne Frank*) what it was exactly that caused someone to hate an entire group of other people. Student answers to these questions often included fear, media stereotypes, competition for jobs and economic resources, racism institutionalized in schools and beliefs inherited from family.

My challenge then as a critical peace educator was to facilitate their understanding of what the processes and mechanisms of such hate have been historically, as well as to provide examples of nonviolent social change. Again, for a *critical* peace education, peace and justice are axiomatically interlinked concepts. The above graphic was a first step in beginning a critical dialogue but, as a student noted to me one day, it can address only one common mechanism (stereotypes) through which social hate is incorporated as part of a culture. It does not address possibilities for another future, which I believe to be a central (if challenging) goal for critical peace education, especially peace education implemented in violent contexts where fatalism can be a temptation. From this student's suggestion emerged what we called the Ladder of Peace. This was a graphic just like the Ladder of Hate, save of course that it read "peace" at the top of the graphic. Based on our readings and class debates on such writers as Ishmael Beah, Anne Frank, Martin Luther King, Jr., Gandhi and Thoreau, this student led a class discussion on forgiveness. His thesis was that forgiving one's enemy could potentially start a cycle of forgiveness by inspiring that enemy to forgive one of his enemies, and so forth. (Imagine this from a student who had just been expelled from his school system!)

During this lesson, of course, “forgiveness” then became one of the “rungs” on the Ladder of Peace. Importantly, the Ladder of Peace is given to students blank; the only prompt I provided was simply writing “peace” at the very top of the ladder (where “genocide” is on the Ladder of Hate). Pairs of students would then fill in various steps along the journey, up the ladder. Concepts that they provided included respect, tolerance, communication, trust, equality, justice and education. Hence students were empowered to form their own concept of positive social change and collaboratively articulate values and actions that could, in fact, lead to more peaceful lives and communities, something I have no doubt many of them craved. Below is just one sample of a Ladder of Peace; each group’s will almost certainly look different.



Just as valuable, I believe, was the debate and discussion that always took place during this activity. Students posed to one another such sophisticated questions as, “How can you have communication without trust?”, arguing that trust should be the “bottom

rung” of the Ladder of Peace. Others would respond that you have to communicate in order to develop trust, and so communication must be the first step. Still others argued that respect or tolerance should merit the first step, since without those values, most people will not want to even begin communicating—especially in the context of violent conflicts. Such theorizing exemplifies the beginnings of praxis, where thoughtful reflection and collective action merge. Certainly such discussions do not alone achieve praxis, but together with opportunities to lead and serve in their communities, such curriculum initiates praxis. Otherwise it could not claim to emerge from a critical theory perspective. If I may draw upon Habermas (1981) once again, in such conversations, we begin to reclaim our social and cultural space from the larger political and economic processes, and dominant social narratives, that reproduce oppression.

The structural violence shaping my students’ lives was all too real, and I certainly cannot claim that these above activities could cause them to never offend again or to heal from some of the deep traumas which they had both experienced and at times inflicted on others. Yet I do believe that if a critical peace education is to achieve its maximum potential, we must undertake it in precisely these sorts of conflicted, sometimes even violent contexts. This entails the risk of harm and even failure, but I believe that social justice demands engaging those most marginalized in the processes of their own liberation. Because dialogue is so central to this process, I have focused here on two activities which engaged students in critical dialogues on peace, conflict, and their own immediate lifeworlds: dialogues on social change and the telling and sharing of personal narratives. The above activities represented only a part of my curriculum, but because of their dialogical nature, I believe they illustrate one way a critical peace educator might go

about engaging students in a critical analysis of their own lives as well as the larger forces which have had a role in shaping them. In this sense, a critical peace education becomes a powerful means of conflict transformation. As Freire phrased it, “Dialogue with people is radically necessary to every authentic revolution” (2003, 128). The dialogues described throughout this article, whether between a group of students or a student and her journal, can encourage the sense of agency, critical awareness, imagination and empathy necessary for a more peaceful and just future in students’ lives and communities. I would argue that this is an essential first step of a critical peace education program.

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**Robust Peacekeeping?
Panacea for Human Rights Violations**

Kofi Nsia-Pepira

Abstract

This paper examines the conviction that robust peacekeeping—a strong and forceful peacekeeping force—works better than traditional UN peacekeeping mechanisms in reducing human rights violations, specifically, civilian killing, in areas of deployment. I seek to analyze both the operational and internal characteristics of UN peacekeeping operations in an effort to understand the hindrances to achieving the objective of protecting human rights. Specifically, the study examines the contributions of key structural variables, including the mission type, weapon type, rules of engagement, mission strength, and major power participation controlling for other intervening variables using negative binomial and logit regression models. The empirical results indicated that the core variable “robust peacekeeping” has impact on civilian killings, namely that it lowers civilian killings. The key factor seems to be strength of mission size associated with lower numbers of civilian killings. Great power participation, peacekeeper diversity and affinity with the host state, along with identity conflicts and at least proto-democratic status of the host state appear to be harbingers of potentially higher deliberate civilian killing totals. The findings thus have both theoretical and policy implications in the field of peacekeeping.

Introduction

The failures of the United Nations to stave off intentional civilian killings in Rwanda and Bosnia prompted fundamental reassessment of the continued relevance of

traditional peacekeeping (Griffin 2001, 150) and the adoption of robust peacekeeping—a strong and forceful peacekeeping force (Brahimi Report 2000)—as a better mechanism to stave off intentional civilian killing (Lacey 2005, 1). This study examines whether robust peacekeeping works better than traditional peacekeeping in reducing human rights violations, specifically intentional civilian killing, in areas of deployment. In this study, I examine the contributions of key structural variables, including mission type, weapon type, rules of engagement, mission strength, and major power participation, controlling for other intervening variables such as regime type, conflict type, borders, peace agreements, troops composition, and ethnic affinity using negative binomial and logit regression models. The questions being investigated are: (1) is robust peacekeeping more likely than traditional peacekeeping to be successful in reducing intentional civilian killings? (2) do mission characteristics of UN Peacekeeping matter for reducing the ongoing intentional civilian killing?(3) to what extent does robust peacekeeping affect the number of intentional civilian killings? The study will allow policy and theoretical conclusions about these factors in an attempt to realize the cherished objective of protecting civilians in civil conflict zones.

From Traditional Peacekeeping to Robust Peacekeeping

Problems in Traditional Peacekeeping

The Cold War period missions were characteristically termed “~~tr~~aditional” and “~~fi~~rst generation” peacekeeping, involving lightly armed UN military observers or interposition peacekeeping forces, deployed after the cessation of an inter-state conflict to oversee and assist with the implementation of peace agreements. Missions were limited

to interdiction between conflict parties and did not generally allow for assertive missions (Goulding 1993).

Traditional peacekeeping missions were originally designed for inter-state conflicts but were adapted to contain domestic conflict situations, first in the tragedy of the Congo in the 1960s (Goulding 1993). They are premised on cooperation of conflicting parties and the methods used are inherently peaceful. Weak force strength, limited resources, small arms, no major power participation and rules of engagement that permit them to use force only in self-defense characterize them. Traditional peacekeeping missions are non-coercive and the troops are not designed to restore order or stop fighting between the belligerents unlike robust and peace enforcement missions. Traditional missions therefore lack both the offensive mission and the capacity to prevent intentional civilian killings as evidenced in the UN's failures in Rwanda and Bosnia.

Demands for Robust Peacekeeping

Ong Heng (2003) defines robustness as having a "force that has the credibility to deter those who mean harm with power to take the necessary actions, including the use of force, to defend itself and fulfill its mandate" (UN Press Release, GA/SPD/268, 2003). The demand for a paradigmatic shift from traditional to robust peacekeeping was facilitated by the development of humanitarian posture within international peace and political/legal discourse to capture the mood of contemporary security realities (Dale 2005).

Former Secretary General Kofi Annan outlined the shift to "robust peacekeeping" when he recommended that the UN should abandon outdated concepts of neutral peacekeeping and replace them with a more muscular form of peace operation if it is to avoid the kind of fiascos in previous missions (Ramo 2000). He acknowledged the

challenges posed by spoilers in the fulfillment of mission mandates and recommended that UN peacekeepers be equipped and given robust mandates to withstand these challenges (UN Press Release, SG/SM/9311 SC/8096 PKO/107).

Theoretical Argument and Hypotheses

Robust peacekeeping was initiated in response to the contemporary turbulent civil war environment, where civilians have become the primary targets. The post cold war era was proliferated by civil wars along national, religious and ethnic fault lines involving both state and non-state actors with disastrous and lethal consequences for millions of civilians (Burk 2000). The difficulties and threats in the operational environment raised doubts about the suitability of traditional peacekeeping in resolving these types of conflict (Mockaitas 1999). This precipitated demands for a paradigm shift from traditional to robust peacekeeping to meet the challenges posed by the changed conflict environment.

Ruggie (1993) observes a doctrinal void, referred to as the “grey areas,” between traditional peacekeeping authorized under Chapter “six and half” and peace enforcement authorized under Chapter seven of the UN Charter that needs to be bridged. Ruggie argues that “the UN has entered a domain of military activity—a vaguely defined no-man’s land lying somewhere between traditional peacekeeping and enforcement, called the grey area, for which it lacks any guiding operational concepts” (Ruggie 1993, 23). Ruggie further observes that the UN finds itself in trouble in this “grey area” because the UN is wrongly applying perfect traditional tools to “inappropriate circumstances” (Ruggie 1993, 29). Jacobsen (2000) observed that the basic thrust of robust peacekeeping is therefore to fill the doctrinal gap identified by Ruggie by deploying deterrent forces in

conflict zones with wider use of force than in traditional peacekeeping but short of war as in enforcement (Jacobsen 2000; also see Woodhouse 1999). The presumption is that robust peacekeeping with its deterrent posture may prevent human rights violations bred by violence and establish minimal compliance with human rights in a state where the rule of law has broken down.

Hypothesis 1: *Robust peacekeeping missions will be more successful than traditional ones in situations where parties are not yet in stable ceasefire or where rejectionists have organized spoiler opposition to agreements.*

Diehl (1994) argues that peacekeeping is more likely to succeed when peacekeeping forces maintain neutrality, have the consent of warring parties, and use their weapons only in self-defense. In robust missions, however, the rules of engagement transcend the traditional notion of self-defense to include the use of force to deter and respond to spoilers' threat and protect civilians (United States Dept. of State, *Administration Policy on Reforming Multilateral Peace Operations*, 1994). The basic presumption of the use of deterrent force to restore stability is that hostilities harden bargaining positions and attitudes rather than concessions by parties who suffer costs (Greg and Diehl 2005). Until violence is stopped or at least managed, it is unlikely that any attempts to resolve competing interests underlying the conflict can be resolved. The presence of a credible military force deters, denies, neutralizes and convinces spoilers that violence will not succeed (Ruggie 1993).

Hypothesis 1 a: *Peacekeeping missions are more likely to succeed if the rules of engagement permit them to use force to protect civilians from human rights violations.*

A fundamental condition for success of robust and all peacekeeping missions is the provision of sufficient resources including funds, weapons and especially troops.

Successful missions require resource/mandate compatibility (Malaquias 1996; Bratt 1997). There was a huge resource/mandate discrepancy in Rwandan mission that disabled United Nations Assistance Mission for Rwanda (UNAMIR) from stopping the genocide. A well equipped large force with appropriate rules of engagement could have staved off the Rwandan genocide.

Hypothesis 1 b: *The larger/stronger the peacekeeping force, the more likely it will be Successful.*

Diehl (1994) argues that peacekeeping is more likely to succeed when peacekeeping mission forces are lightly armed, and use their weapons only in self-defense. In robust peacekeeping, however, the conception of peacekeeping has broadened from the earlier conception of lightly armed neutral UN peacekeeper to much more activist orientations using heavy combative weapons to hunt down spoilers. Not only do heavy weapons make them combat-ready but also they are thought to deter spoilers through the show of credible force. Secretary General Annan acknowledged the need to rethink how we equip troops and prepare them for all eventualities (United Nations Peace Operations A/55/305/2000/809).

Hypothesis 1 c: *Peacekeeping missions are more likely to succeed if troops are equipped with or deploy heavy, instead of small, weapons.*

In the cold war era, major powers were debarred from participating in peacekeeping missions to guarantee neutrality of UN forces. However, with a paradigm shift to robust peacekeeping, it has become imperative that the well-resourced and trained troops of the developed countries participate in UN peacekeeping missions (Bratt 1997; Ong Heng 2003; Guehenno 2005). Diehl (1994), however, observes that super powers have relatively minor impacts on the peacekeeping outcomes. Bratt (1997) on the other

hand argues that successful mission in an internal conflict demands the support of the five members of the Security Council because they possess great influence over the cost of operations. Ong Heng (2003) also argues that multinational forces with the participation of troops from the developed countries truly reflect collective responsibility and provide robustness.

The basic logic is that major power participation reflects the legitimacy and seriousness of global concern of the conflict. Additionally, the developed countries have the critical resources both human and material that a credible deterrent UN peacekeeping force needs. They also have the political and economic leverages to influence the behavior of combatants by manipulating and raising the costs of continued fighting (Regan 1996). The realization that the world community, especially super powers, supports an intervention may exert pressure on protagonists to halt hostilities (Diehl et al. 1996)

Hypothesis 1 d: *Peacekeeping missions are more likely to succeed when major power(s) participate in the peacekeeping operation.*

Control Variables

Scholars have argued and supported with case studies that language and cultural differences among peacekeeping forces hinder operational effectiveness and may have negative consequences on mission success (Eron et al. 1999; Duffey 2000). Cultural and linguistic differences may result in disagreement in interpretation of mission resolutions and what actions to take which may delay actions including the protection of civilians under imminent threat. It is presumed that each country is distinct culturally.

Hypothesis 2: *The greater the number of countries contributing to the mission contingents, the less likely the mission success.*

One perspective claim is that peacekeeping forces are most likely to succeed if they are from the same region as the conflict. The argument is that affinity creates trust and legitimacy (Diehl 1994). This claim has been supported by the Brahimi Report that recommended regionalism as a better model measure of responding to a contemporary international security threat. An opposite perspective is that regional peacekeepers are less likely to be regarded as neutral and trustworthy (Diehl et al. 1996). I use as a proxy the ethnicity of the highest field executive in determining whether the group affiliates ethnically or culturally with the parties to the conflict or not. The reason is that the tenor of the mission can be heavily influenced by the character and ability of the leadership.

Hypothesis 3: *Peacekeeping missions are more likely to succeed if the highest field executive plus troop contingents have cultural or ethnic affinity with the host country.*

Many studies on conflicts have suggested that identity conflicts (ethnic or religious) are far more difficult to resolve than ideological conflicts (Lake and Rothchild 1996). Identity conflicts are based on deep-rooted emotional values that are difficult to compromise on. On the basis of this realization, it presupposes that casualties will be more difficult to be controlled in identity conflicts than in ideological conflicts.

Hypothesis 4: *Mission is less likely to be successful in identity conflicts than in ideological conflicts.*

Some studies argue that neighboring states have the potential to disrupt a peacekeeping process with direct acts of violence or support warring parties that oppose the operation (Green et al. 1998). Neighboring states have a high stake in the outcome of conflicts and consequently act to either support or disrupt peaceful solutions. It is therefore anticipated that more borders will negatively affect peacekeeping success.

Hypothesis 5: *Countries with more bordering states see less peacekeeping success.*

A major finding in peace literature is that the probability of peacekeeping success will be higher when there is a negotiated settlement to the conflict before peacekeepers are deployed than the absence of such agreement (Fortna 1998). Fortna (1998) argues that agreements employ several instruments to change the payoffs and make it costly to cheat, reduce uncertainty about compliance and intentions, and control accidents. Signing a peace agreement reflects the political will of the combatants to end the violent phase of the conflict (Regan 2000; Downs and Stedman 2002).

Hypothesis 6: *Missions are more likely to be successful when deployed after peace agreements among conflict parties.*

Another major finding in the international relations literature is that democracies tend not to fight one another. This democratic peace proposition has more recently been extended to civil wars (Hegre, Ellingsen, Gates and Gleditsch 2001), human rights (Davenport 1999; Bueno De Mesquita et al. 2005), and state-sponsored mass-murder (Rummel 1994, Easterly et al. 2006). Rummel (1994) finds, and confirmed by Easterly et al. (2005), that democracies have killed substantially fewer of their own citizens than other forms of governments.

Hypothesis 7: *Mission success is likely to be greater when host states are democracies.*

Research Design

In this study, I examine all intrastate peacekeeping missions in civil wars for the period 1956-2006. The data was created using multiple sources. In this study, there are 240 observations in the dataset covering 46 intrastate conflicts in 29 countries. In order to identify an event, a mission has to be deployed in a civil war during the period of observation in accordance with the Uppsala Conflict Data Program definition of armed conflict: an incompatibility (over either governmental power or territory, or both)

between a government and one or more irregular groups that in one year result in at least 25 battle-related deaths (Wallensteen and Sollenberg 2001). This threshold for inclusion is lower than in many studies of civil war that require 1000 battle deaths a year (e.g. Regan 2000; Singer and Small 1963), and also allows for a study of violence against civilians in low intensity conflicts.

The unit of analysis is *mission year*. In order to test the hypotheses, I employed a negative binomial and logit model regression models. Negative binomial regression model determines the effect of robust peacekeeping on the levels of intentional civilian killings while logit regression model determines either decreased or increased civilian killings or mission success or failure.

Dependent Variable

Civilian Killing: The dependent variable is *the number of civilians deliberately killed*. Following Valentino et al. (2004), civilian is defined as “any unarmed individual who is not a member of a professional or guerrilla military group and who does not actively participate in hostilities by intending to cause harm to enemy personnel or property” (Valentino et al. 2004, 8). *Civilian Killing* is a count of the number of civilians deliberately killed by either the government of a state or by formally organized non-state groups which results in at least 25 deaths in a year based on the Uppsala Conflict Data Program (UCDP) *one-sided violence* dataset. The program defines *one-sided violence* as the use of armed force by the government of a state or by a formally organized group against civilians which results in at least 25 deaths. The UCDP, however, does not cover all my cases so I supplemented with data from United States Department of State annual country reports on human rights practices and Human Rights Watch annual reports by

country. Only deliberate killings through the use of force are coded, which means that civilians killed in crossfire are excluded. Furthermore, indirect killings such as starvation of conflict areas are also excluded.

Civkchang: This variable refers to change in civilian killings either decreased or increased civilian killings to determine mission success or failure. This is a binary or dichotomous variable and is coded as 0=decreased civilian killings (mission success), 1=increased civilian killings (mission failure).

Independent Variables

Mission type refers to the types of UN peacekeeping missions launched into conflict zones that includes observer, traditional, multi-dimensional and robust peacekeeping missions. The type of mission is coded in the following manner:

- 1 = Observer mission
- 2 = Traditional mission
- 3 = Multi-dimensional mission
- 4 = ~~Robust~~ "Robust" mission

Data for mission type is from the UN Department of Peacekeeping Operation's website.

Mission strength/size is measured by the total manpower of the peacekeeping mission. Data for mission strength is from the UN Department of Peacekeeping Operation's website. *Rules of engagement* is conceptualized as directives issued by a competent military authority that delineate the circumstances and limitations under which forces will initiate and /or combat engagement with other forces encountered (US Chairman of the Joint of Chiefs of Staff Instruction, 2000). I measure rules of engagement by the provisions in the mandate on conditions for use of force. Data is from

the UN Department of Peacekeeping Operation's website. Rules of engagement is coded 1 when mission force is permissible to use force to defend civilians from attacks; otherwise it is coded 0 when mission force is not permissible to use force to defend civilians from attacks but used only in self-defense.

Arms types, according to the United Nations weapon classifications, small arms or light weapons are conventional weapons that can be carried by a soldier or on a light vehicle. Small arms thus include revolvers and self-loading pistols, grenade, submachine guns, rifles, machine guns, mines and antitank weapons. Heavy weapons are the major conventional arms that include battle tanks, armored combat vehicles, artillery systems, combat aircraft, attack helicopters. Arms type data sources are the UN *Register of Conventional Arms* and SIPRI arms database. Small arms is coded 0 while large or heavy arms is coded 1. *Major power* is measured by the participation of any of the five permanent members of the Security Council in a peacekeeping mission. It is coded as 0 when no major power participates and 1 when at least one major power participates. Data for major power participation is from the UN Department of Peacekeeping Operation's website.

Control Variables:

Field executive affinity is a proxy for the cultural similarity between the mission and host country. Affinity between the field executive (e.g. the force commander) is measured using Vanhanen (1999) categorization of Caucasoid, Negroid, and Mongoloid. The source of data is the UN Department of Peacekeeping Operation's website. Data on ethnic composition of countries are from *CIA world Factbook 2000* and Encyclopedia Britannica, while Cavalli-Sforza (1991) determines which of the three main categories –

Caucasoid, Negroid and Mongoloid—to which ethnic groups belonged. Host country and country of origin of field executive are identified from mission reports of the Secretary General, UN Peacekeeping Operations' website. *Field executive affinity* is coded as 0 when there is no affinity and 1 when there is an affinity. *Conflict type* distinguishes identity conflict from ideological and revolutionary conflicts. The distinction is based on the coding rule of Regan (2002). The type of conflict is coded as 0 when ideological, revolutionary conflict and 1 for identity (ethnic or religious) conflict.

Border is operationalized in terms of either a shared border or less than 150 miles of water separating two contiguous land masses based on the measures used by the Correlates of War (COW) dataset (Singer and Small 1994). The number of borders is measured as a continuous variable that ranges from a low of one border to a high of nine borders. *Peace agreement* is denoted by a dummy variable indicating whether a peace agreement is signed or not by all principal combatants before peacekeepers are deployed. The data for the presence of peace agreement are from the peace-building dataset created by Doyle and Sambanis (2000) or UN documents pertaining to the conflicts. The variable is coded 0 for absence of peace agreement before deployment and 1 for presence of peace agreement before deployment. *Regime type* refers to either democracy or autocracy of the host country. Source of data for this variable is the combined polity score collected in the Polity IV data (Marshall and Jaggers 2002). The democracy and autocracy scores are each ordinally scaled, ranging from zero to ten, each measuring institutional aspects of the regime. The regime type score therefore, ranges from -10 to 10. Following Valentino et al. (2000), this variable is coded as a dummy variable: 0 = if the combined Polity score

was less than + 6 (less democratic); 1 = if the combined Polity score was equal to or greater than +6 (highly democratic).

Methodological Justification

The stated hypotheses were tested, using two different statistical models—negative binomial and logit regression models. The dependent variable *civilian killing* is the annual count of the number of civilians deliberately killed by the conflict parties during the period of deployment of the mission force. Accordingly, I use event count model rather than the more familiar linear regression model. In a recent study, Valentino et al. (2004) used Ordinary Least Squared (OLS) analysis for civilian killing, while a study by Eck and Hultman (2007) employed negative binominal regression analysis for one-side civilian killing. Both studies show some disagreement about the choice of methodological models for event count (see King 1989a). According to King (1989a), OLS provides an unbiased linear estimator, and this is unaffected by different distributional assumptions but identifies certain problems in using OLS (King 1989a). First OLS assumes a linear relationship. This is an implausible functional model because often it results in predicted events counts that are less than zero and therefore meaningless. Second, OLS does not take into account neither heteroskedasticity nor the underlying Poisson distribution of the disturbances hence OLS does not use all available information in the estimation. King (1989a) and Long (1997) suggest that linear regression models may result in outcomes with inconsistent, biased, and inefficient estimates. These statistical problems of OLS could result in substantively biased conclusions rendering OLS a statistically inefficient model for event count.

The most common event count model, Poisson regression, determines the probability of an event count based on Poisson distribution (Long 1997). Unfortunately, Poisson regression models may bias standard errors downward, leading to inaccurate assumptions about the level of significance of independent variables. In addition, Poisson regression also assumes that the mean distribution is equal to the variance making the resulting parameter estimates inefficient when a researcher suspects over-dispersion (Long 1997). Over-dispersion or variance greater than the mean is quite likely in political science research (King 1989b).

Given that the dependent variable is a count of civilians killed, the hypotheses are tested applying negative binomial model (NBRM) as used by Eck and Hultman (2007). An alternative approach to NBRM will be Gamma count model (see Alt et al. 2000). A negative binomial regression model (NBRM) is suitable because it is preferred when there is over-dispersion in the data which indicates that there might be both contagion and unobserved heterogeneity (King 1989a, 129; Long 1997, 30-36). Apart from unobserved heterogeneity and contagion, which are defined through the over-dispersion in the data, there are also many zeros, and NBRM predicts a higher number of zeros (Eck and Hultman 2007; Krause et al. 2006). This seems reasonable since there may be fluctuations in civilian killings during the mission period. Within a mission year, there may be civilian killings while in other years there may be no killings.. To determine either mission success or failure I employ logit regression model given that the dependent variable is dichotomous. I turn now to my findings.

Findings

Descriptive Statistics

For the period 1956 to 2006 that this study covers, the United Nations deployed 46 missions in 29 civil conflicts. Ultimately, the United Nations engaged in 240 mission years during the period under study. The data depict that within the period of study, the percentage of mission years for the mission types are: observer, 33 percent; traditional, 28.3 percent; multi-dimensional, 18.3 percent; and robust, 20 percent (see Table 1 for percentage of mission years). In my estimation, the lowest number of civilians intentionally killed by conflict parties in a given year was 25 with 500,000 as the highest recorded in the Rwandan genocide. The data depict that 97.7 percent of civilian killings occurred during traditional peacekeeping missions including observer missions, traditional, and multi-dimensional peacekeeping, while robust peacekeeping registers only 1.3 percent of civilian killings (see Table 2).

Table 1. Percentage Years of UN mission types 1956-2006

Mission type	Number of mission years (percentage)
Observer mission peacekeeping	80 (33.3%)
Traditional peacekeeping	68 (28.3%)
Multi-dimensional peacekeeping	44 (18.3%)
Robust peacekeeping	48 (20%)
Total	240 (100%)

Table 2. Percentage intentional civilian killings of UN mission types 1956-2006

Mission type	Civilian killings (percentage)
Observer mission peacekeeping	3916 (.7%)
Traditional peacekeeping	501923 (95%)
Multi-dimensional peacekeeping	11161(2%)
Robust peacekeeping	7073 (1.3%)
Total	524073 (100%)

Statistical Results

Table 3 presents the results of the negative binomial models of intentional civilian killings in United Nations Missions in civil wars between 1956 and 2006. Model 1 tests our basic hypothesis excluding the control variables. In order to test the robustness of the model, Model 2 contains all relevant control variables.

Looking at the results of model 1 in Table 3, our core hypothesis that robust peacekeeping is more likely to be associated with lower number of civilian killings is supported. The variable robust peacekeeping has a negative and statistically significant association with the number of civilian killings meaning robust peacekeeping missions may be more successful in lowering the number of deliberate civilian killings by conflict parties in civil conflicts. The mission strength variable also has a negative and statistically significant relation to the number of civilian killings confirming hypothesis 1b. This implies that large force strength is associated with lower levels of the number of civilian killings. This could mean that such forces shorten the wars, or protect the populations more effectively, or intervene in wars that have low casualty rates to begin with. Interestingly enough and contrary to expectation, however, major power participation has a positive and statistically significant relationship to the number of civilian killings at least under model 1, implying that major power participation in UN peacekeeping operations is more likely to be associated with higher numbers of civilian deaths tending to disconfirm hypothesis 1 d. Similarly, the rules of engagement variable has a positive and statistically significant effect in model 1 indicating that deliberate civilian killings are likely to be higher when the peacekeeping mandate permits mission forces to use force other than for self defense disconfirming hypothesis 1 a.

Table 3. Negative binomial regression models of intentional civilian killings in United Nations Missions in civil wars, 1956-2006

	Model 1 <i>Coefficients of the number of intentional civilian killings (standard errors)</i>	Model 2 <i>Coefficients of the number of intentional civilian killings (standard errors)</i>
Robust peacekeeping	-2.287 ** (0.922)	1.166 (0.831)
Mission strength (1000 people)	-0.140 *** (0.030)	-.200*** (0.032)
Resources (in US\$1000)	4.860 (6.140)	3.850 (3.110)
Major power participation	4.223*** (1.054)	0.209 (0.726)
Rules of engagement	1.020** (0.300)	-1.106 (2.528)
Ethnic affinity		-0.081 (0.702)
Identity conflict		4.280** (1.352)
Borders		0.407 (0.393)
Democracy		0.151 (0.750)
Troops composition		0.057** (0.023)
Constant	4.100*** (0.256)	1.415 (1.558)
Number of observation	197	144
Log pseudo-likelihood	-870.573	-724.046
Wald chi 2	30.01	96.92
Prob > ch2	0.000	0.000

Estimations performed using Stata 9. Robust Standard errors are in parentheses (adjusted for clustering on missions). *p < 0.1, ** p < 0.05, *** p < 0.01 All tests are two-tailed

Turning to the results in model 2 that includes the control variables, we first notice that mission type itself is no longer negatively and significantly related to casualty levels, while mission strength as in model 1 has a negative and statistically significant relationship with civilian killings further confirming hypothesis 1 b. It could be, then, that particular aspect of robust deployments (such as size of force levels) rather than the designation of mission themselves, play a key role in dampening human rights abuses. The findings also support the argument in the deterrent model that large troop deployments increase the costs of continued fighting for combatants and thereby reduce civilian killings. This is possible since a large force can effectively monitor a large area

and pose a formidable deterrent to spoilers. However, none of our other core variables had significant effects on the number of civilian killings. Major power participation has positive links to civilian killings but not statistically significant ones.

Examining the control variables, identity conflict has a positive and significant effect on civilian killings tending to confirm hypothesis 4. Thus, identity conflicts are more likely to be associated with higher numbers of civilians killed during internal conflicts than are ideological forms of dispute. The latter point supports the argument that identity conflicts are so much based on deep-rooted emotional values that combatants find it difficult to compromise on those underlying issues and restrain forces. In view of this realization, war becomes the most viable mechanism of the pursuit of group objectives. It therefore presupposes that casualties will be more difficult to control in identity conflicts than in ideological conflicts similar to the Rwandan genocide.

Peacekeeping contingent composition also is positively and significantly related to civilian killings confirming hypothesis 2. This finding is in line with the argument that the more the mission force comprises many culturally diverse contingents, the less likely the mission success because cultural differences among peacekeeping forces may result in disagreement in interpretation of the resolution and what actions to take (Eron et al. 1999; Duffey 2000). Such disagreements on the interpretation of the resolution and rules of engagement may delay or prevent actions to protect civilians. For example, during the UNAMSIL operation in Sierra Leone, the disagreement between the Indian command and Nigerian contingents paralyzed the mission and adversely affected to some extent the mission's operational efficiency (Bullion 2001, 78). All the other control variables have no significant effect on civilian killings. Peace agreement dropped due to collinearity.

Table 4 presents marginal effects of statistically significant variables of the negative binomial model on civilian killings in United Nations peacekeeping missions in civil conflicts from 1956 to 2006. Coefficients of negative binomial regression model give us odd values. In order to understand the actual impact of each coefficient, we need to compute the substantive value of each coefficient of the significant variable. These marginal effects offer us more substantive insight into the extent to which robust peacekeeping, mission strength, the use of force, major power participation, identity conflict and troops composition influence civilian killings during the period under investigation.

According to model 1, with robust peacekeeping, about 1442 fewer numbers of civilians are killed per year. In respect to mission strength, I found that an increase in the mission strength by one standard deviation from the mean lowers the number of intentional civilian killings by 142 per year. Considering other factors, I found that conflict parties kill 1611 more civilians per year with major power participation in UN missions in civil conflicts. Furthermore, I found that 1681 more civilians' deaths per year occur when the mandate permits UN mission forces to use force for purposes other than self defense only. These findings might give pause to easy assumptions that involving major powers is a reliable way to stabilize local violence or that broad latitude in use of force by peacekeepers is reliable for purposes of civilian protection.

In respect to model 2 that included our control variables, I did not find these latter cautionary effects, and I found that an increase in the mission strength by one standard deviation from the mean lowers the number of intentional civilian killings by 32 per year. Considering other factors, I found that in identity conflicts, 4240 more civilians' deaths

per year can be expected than in other forms of conflict. In terms of troops' composition, I found that an increase in troop diversity by one standard deviation from the mean, results in roughly 10 more civilian deaths per year.

Table 4. Marginal Effects of statistically significant variables on intentional civilian killings in UN Missions in civil conflicts, 1956- 2006

	Model 1 <i>Approximate change in the number of intentional civilian killings</i>	Model 2 <i>Approximate change in the number of intentional civilian killings</i>
Robust peacekeeping	-1442	
Mission strength (1000s)	-142	-32.2
Major power participation	1611	
Rules of engagement that permits the use of force other than self defense only	1681	
Identity conflict (ethnic and religious)		4240
Troops composition comprising many culturally diverse contingents		10

Marginal effects are computed with the coefficient from the negative binomial regression models presented in table 2. The values of selected statistically significant variables changed while holding all others constant at their means or modes.

Table 5 presents the results of logit regression model for our binary dependent variable change in civilian killings coded as "0" for mission success or reduced deliberate civilian killings and "1" for mission failure or increased deliberate civilian killings. Robust peacekeeping has a negative and significant relation to civilian killings suggesting that robust peacekeeping lowers civilian killings in line with the findings in model 1 Table 3 and again confirming the core hypothesis 1. The rest of the independent variables, however, appear to have no significant impact on civilian killings. Turning to the control variables, conflict type, troops' composition, ethnic affinity with the host state and

democracy have positive and significant ties to civilian killings. In other words identity conflicts and culturally diverse troop contingents and even somewhat democratic states are more associated with civilian killings confirming some of our earlier findings in model 2 Table 3.

Ethnic affinity of the mission force presents a very interesting finding. The results show that the forces' affinity with the conflict state may increase civilian killings defying the basic argument for regionalism as a better mechanism for peace operations. Since the mission force share the same culture with the conflict parties, they may have interest in the conflict thereby compromising the principle of impartiality and hurting a party to the conflict, ultimately obstructing the peace process. Also, the cultural bond between the mission force and conflict parties, along with concerns about being accused of partiality, may hinder the mission force undertaking certain stringent measures against spoilers of the peace process.

Finally, contrary to expectation, the finding suggests that democracies are associated with more civilian killings. This finding however might confirm the Davenport and Armstrong (2004) discovery that there is a threshold of democratic peace and that lower levels of democracy or transitional democracies are associated with human rights violations (Davenport and Armstrong 2004, 551).

Table 5. Logit regression model of intentional civilian killings in United Nations Missions in Civil Wars, 1956-2006

	<i>Coefficients of change in the number of intentional civilian killings (standard errors)</i>
Robust peacekeeping	-2.088*** (0.594)
Major power participation	-1.157 (0.594)
Mission strength(1000)	0.000 (0.000)
Resources(US\$1000)	7.850 (7.790)
Identity conflict	2.164**(0.844)
Borders	0.135 (0.388)
Troops composition	0.054** (0.027)
Ethnic affinity	1.520*(0.781)
Democracy	1.435** (0.727)
Constant	1.99217 (1.4501)
Number of observation	102
Log pseudo-likelihood	-45.702813
Pseudo R ²	0.2704

Estimations performed using Stata 9. Robust Standard errors are in parentheses (adjusted for clustering on missions). *p < 0 .1, ** p < 0.05, *** p < 0.01 All tests are two-tailed.

Table 6 presents marginal effects of statistically significant variables on civilian killings of the logit model. Here we see that, robust peacekeeping decreases civilian killings by about 31 percent per year. In respect to the control variables, I found that democracies increase civilian killings by 29 percent per year and an increase in troops' diversity by one standard deviation from the mean increases civilian killings by 10 percent per year. Finally, I found that identity conflicts increase civilian killings by 40 percent per year and ethnic similarity to host state also increases civilian killings by 24 percent per year.

Table 6. Marginal Effects of statistically significant variables on intentional civilian killings in UN Missions in civil conflicts, 1956- 2006

	<i>Approximate percentage change of probabilities of intentional civilian killings</i>
Robust peacekeeping	-0.31(31%)
Democracy	0.29 (29%)
Troops composition	0.01 (10%)
Identity conflict	0.40 (40%)
Ethnic affinity	0.24(24%)

Conclusion

The empirical results presented in this study support the core argument that robust peacekeeping works better than traditional peacekeeping in reducing civilian killings. This finding provides strong support for the theory that a large robust United Nations force deters spoilers from killing civilians. However, the related notions of major involvement and more militarily forceful missions do not appear to restrain killing and in fact are associated with higher civilian casualties. A unique finding is the contribution of large strength to mission success. This resonates with the Brahimi Report's recommendation for large troop size for mission success because large troops may occupy large area effectively monitoring and implementing mission mandate (United Nations, *Report of the Panel on United Nations Peace Operations 2000*). The findings further inform us of the severity of identity conflicts and confirm the argument that highly culturally diverse peacekeeping forces can derail mandate implementation as in the UNAMSIL experience in Sierra Leone (Bullion 2001). The finding that regional cultural similarity results in mission failures is striking since it defies the popular assumption by UN policy makers that regionalism is the better option for international security due to forces' similarity with neighbors. We also observe that borders matter and

countries bordered by many states may be prone to increased civilian killings in civil war situations. It was also found that at least proto-democratic status of the host state appear to be harbinger of potentially higher deliberate civilian killing total. The findings thus have both theoretical and policy implications in the field of peacekeeping.

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**Disputes over Water Resources:
A History of Conflict and Cooperation in Drainage Basins**

Shavkat Kasymov

Abstract

This paper presents the analysis of conflict history over freshwater in several drainage basins across the planet. As will be demonstrated in this paper, unilateral water policies have proved to reduce the role and prospect of water treaties and international water sharing regimes, and led to political tensions and conflicts. The main argument of the essay is that unilateral diversions of water flows will instigate wars between riparian states because of the rising demand for freshwater in the future. Unilateral practices of water diversion create a situation of inequitable distribution of water among nation-states within a basin which is a prerequisite for a sustainable conflict. State policies have to aim to eliminate situations of inequitable distribution and increase accessibility to clean drinking water for populations across a river basin based on their needs in order to secure long-lasting peace and stability.

Introduction

The struggle for resources, whether material or symbolic, has always played a pivotal role in the formation and shaping of societies and polities. Over time, with the increase in world population and the number of nation-states, the intensity and quantity of conflicts for natural resources has risen at an alarming rate. Conflicts over resources are commonplace today as was the case for centuries earlier. How different is water and

rivers in particular from other types of resources? Since rivers flow through territories of different nation-states, the quantitative and qualitative utilization of water in one state affects water use in another, downstream state. As the demand for freshwater in countries grows, states become increasingly resolute in advocating their respective state rights and in defending their economic interests. Rivers can easily become the object of a disagreement, dispute and even conflict when the interest of one state is not accounted for by a neighboring riparian state. (A riparian is referred to as a state whose territory a water course traverses or whose boundary with another state a water course forms.)

In this paper, I will present the analysis of conflict history in three drainage basins: the Aral Sea Basin, the Ganges-Brahmaputra River system, and the Tigris-Euphrates River Basin. These river systems were selected on the basis of their history of transnational disputes over exploitation of water resources. Although no major military conflicts occurred in any of these basins, the inequitable distribution of water among states and population groups resulted in political tensions that may further escalate into warfare against the backdrop of the constantly growing demand and inadequate policies of states.

Water is among the most precious resources on the planet and its importance will inevitably grow given the changing climatic conditions and the rising demand. Roughly 97 percent of the water on the Earth is salt water and thus is not readily available for drinking or agricultural purposes. Only 2.5 percent of the remaining water stocks are freshwater, but even these are unevenly distributed spatially and temporarily. Two-thirds of these freshwater resources are locked in glaciers and ice caps (Weinthal 2002). One of the overriding realities of the early 21st century is the growing competition between

countries for increasingly scarce water resources. Moreover, while the amount of freshwater on Earth remains constant, the global population continues to increase. The world currently has over 6.5 billion inhabitants, a figure which is projected to climb to over 9 billion by 2050 (UN Population Division 2005). The result is less water on a per capita basis and the growing competition for increasingly scarce water supplies. —Water is a finite and fixed resource, and the rise of the global population has progressively reduced the world runoff per capita, from 40,000 m³ per person in 1800 to 6,840 m³ in 1995, estimated to fall further to 4,692 m³ by 2025” (Furlong, Gleditsch, and Hegre 2006). Currently, more than one billion people do not have access to clean drinking water, and approximately 2.4 billion people do not have access to adequate sanitation. Gleick (1998) indicates that an estimated 80 percent of the diseases in developing countries are water-related. Every day 14 to 30 thousand people, mainly children and elderly, die because of waterborne diseases, or due to water floods and droughts. According to a United Nations study, the world’s 263 international drainage basins account for some 60% of global river flows (UNEP Atlas 2002). The study indicates that around 40% of the world’s population lives in these river basins, which form at least a part of the territory of 145 countries.

Water has always been a critical element of the economies in the modern age as it was the instrument of survival for ancient communities. Being a source of life, water nourished civilizations, provided fuel for conflicts and friendship between groups of people and individuals. Agriculture has always been and still remains the main source of livelihood and subsistence in most countries and the foremost consumer of freshwater. Nowadays, population growth creates pressures on agriculture, resulting in food

deficiency and insecurity. The result is the unprecedented consumption of water across the world. However, of the world's 263 internationally shared rivers, less than one in five is the subject of a substantial international agreement on issues of environmental protection, shared management, or water allocation (Conca and Dabelko 2002). Since rivers provide a lion's share of freshwater, countries that share them are confronted with the necessity of reconciling their needs and demands with those of the neighboring countries because of the peculiar physical nature of rivers that makes them distinct from other types of natural resources. Unlike fossil fuels, on which states tend to claim absolute rights, rivers cannot be divided between the contending parties. Managing a river collectively by a number of countries is the inevitable necessity that all countries have to accept and achieve.

Many political leaders and pundits have consistently stressed that large-scale wars may erupt over increasingly scarce freshwater in the future. For instance, the former United Nations Secretary General Kofi Annan (2001) declared that "fierce competition for freshwater may well become a source of conflict and wars in the future." The 2004 Nobel Peace Prize winner, Wangari Maathai (2004) suggested that:

We face the ecological crises of deforestation, desertification, water scarcity and a lack of biological diversification. Unless we properly manage resources like forests, water, land, minerals, and oil, we will not win the fight against poverty. And there will be no peace. Old conflicts will rage on and new resource wars will erupt unless we change the path we are on.

Other experts have dismissed such arguments as largely exaggerated and political, pointing to a substantial agreement among scholars that disputes over water resources fall short of wars and generally result in cooperative agreements. Since 1814, around 300 treaties have been concluded about non-navigational issues relating to international water resources (Weinthal 2002). Their line of research suggests that disputes over freshwater generally lead to cooperation rather than conflict. According to it, the “water wars” argument does not correspond to a substantial agreement among scholars that for policymakers, military force is always a matter of last resort. Multiple case studies demonstrate that water disputes tend to fall short of conflict. For instance, Slovakia and Hungary found themselves in a dispute over the Danube River and the Gabčíkovo-Nagymaros hydroelectric power plant project. However, unlike many cases of post-Cold War interstate violence, the two countries brought their contention to the International Court of Justice and averted direct military actions. The Mekong River Basin represents another example of sustainable water cooperation, notwithstanding the decades of wars between countries, as well as the 1960 Indus Water Treaty between India and Pakistan. However, in the latter case, the active role of the World Bank proved instrumental in concluding a final water agreement.

Although experience suggests that acute water scarcity may be a factor leading to the conclusion of a water agreement, many agreements have proved ineffective and hardly went beyond the initial stages. Real cooperation has rarely been achieved. Zetoun and Mirumachi (2008) challenge the view that water disputes result in cooperation rather than war, arguing that “various degrees of intensity and methods of conducting conflict tend to mask a conflict’s existence” and suggest that while “a water conflict may fall

short of acute violence, it still has very negative consequences that may be hidden under an apparent air of cooperation.” As a rule, various forms of cooperation are produced by the existence of power asymmetry among riparian nations. For instance, coerced cooperation is predominant in those situations where there is hegemony of one state. Many experts point out that Israel’s military hegemony in the Jordan River basin resulted in some form of coerced cooperation. Induced cooperation generally involves a third party, yet the approach employed is significantly different from that of coerced cooperation. Induced cooperation presupposes the application of incentives for cooperation, instead of force. Non-partisan states and third-party institutions have the greatest influence on the establishment of bilateral and multilateral water regimes among riparian nations. The Indus Water Treaty is a good case in point where the World Bank played a central role in inducing Pakistan and India to come to terms about a shared management of their water supplies.

Establishing Water Regulation Regimes

There are two approaches as to how to regulate water sharing in a transboundary river basin. The social planner approach revolves around a supranational structure which is created to handle the water affairs among riparians. It assumes the delegation of authority and responsibility by state parties to an intergovernmental organization which is formed by their mutual and collective agreement:

A central planning authority who knows what is best for society – a social planner who views the region as one planning unit. The social planner maximizes regional welfare subject to all available water resources in the

region and given all possible water utilizing sectors. In some instances, the social planner also includes preferences. (Wolf 1996, 18)

The second approach centers on market regulation, whereby each riparian nation pursues individual gains from the engagement in a basin-wide bargaining game. Game theory provides a conceptual reference point for a market-driven water regime. The efficient allocation of scarce water resources among states is achieved via market approaches. However, Wolf questions the utility of the market-centered approach, claiming that “economic considerations alone may not provide an acceptable solution to water allocation problems, especially allocation disputes between nations” (Wolf 1996, 19).

Game theoretical approaches constitute the core of multiriparian water regimes. The basic assumption of game theory is that decision makers are rational players, that they are intelligent, so, while pursuing well-defined objectives, they take into account other decision-makers' rationality and build expectations on their behavior (Dinar, Dinar, McCaffrey, and McKinney 2007). The involved countries are acting as players with specific options and thus form strategies according to the corresponding payoffs and the counter-player's strategies (Eleni and Yannis 2008). Each country-player adopts a certain strategy provoking the reaction of the opponent party, while all the actions are characterized by a rational behavior aimed at the maximization of payoffs. “One of the main characteristics of the theory is the cooperative approach, which can be utilized effectively in competitive cases – proving the benefits of cooperation and converting the players' relations in cooperative” (Eleni and Yannis 2008, 467). The overriding principle is that a military conflict between states is unacceptable within the realm of game

theoretical approaches. However, a conflict of interests is central to driving a market water system. It facilitates the progress of a water regime. Open bargaining techniques and the transparency of interactive processes between players provide strong conciliatory mechanisms.

Yaron (2002) applies game theory models to assess the economic value of cooperation and noncooperation between Israelis and Palestinians over their shared water resources. He concludes that whether or not a solution to the regional water problem will be of a cooperative or noncooperative nature will depend on several political, institutional and economic considerations that may or may not be in place (Yaron 2002). Using a game theory model, Dinar and Wolf (1994) evaluate the idea of trading hydroelectricity for interbasin water transfers among neighboring nations. They attempt to develop a broader, more realistic conceptual framework that addresses economic and political issues. Their model allocates potential benefits from trade among cooperators. The main findings are that economic merits exist for water transfers in the region, but political considerations may harm the process.

As the process of globalization drives the world toward a more interconnected realm of interdependent, albeit sovereign states, the nature of the norms that regulate the relations between nation-states transforms rapidly. Unlike the traditional international system of sovereign states, the yet infant transnational system of global governance seeks to establish supranational laws, regulations, and institutions whose authority extends beyond and within nation-states. Nation-states continue to exist, but they must be subordinate to transnational authority and laws. This authority is exercised by the

definitions of international law, transnational courts and myriad UN conventions that establish global norms.

The UN Convention on the Non-Navigational Uses of International Watercourses (1997) embodies the first international effort to resolve the perpetual conflict of interests over water use. It stresses the utilization of rivers in an “equitable and reasonable manner”, taking into consideration the geographic, hydrographic, hydrological, climatic, ecological and other factors of a national character, as well as the social and economic needs of the watercourse states concerned. In addition, the Convention underscores that the interests of all populations dependent on a watercourse be respected and supported by all possible means.

Under the Convention, if an upstream country is in a dire need to construct a dam in its territory, it has to be done in such a way as not to infringe the water rights of the populations in the neighboring countries and not to cause a substantial harm to the ecology of the entire basin. The UN Convention on the Non-Navigational Uses of International Watercourses is considered to be an international framework agreement for use by states in negotiating water disputes. Most importantly, it put to rest the longstanding conflict between the principles of absolute territorial sovereignty, or the Harmon Doctrine; and absolute territorial integrity. The Harmon Doctrine advocates for the right of an upstream state to do as it wishes with the water in its territory—regardless of the adverse affect on downstream states; whereas the Convention defends the right of a downstream state to an uninterrupted flow of a fixed quantity of water from upstream states. The main principle enshrined in the Convention is that of the limited territorial

sovereignty. It underscores the equitable utilization and the obligation not to cause a significant harm.

The Convention is to be used as a reference point in each of the transboundary river basins. Today, however, most riparians tend to advocate for the principles that are in line with their sovereign economic interests—that is, upstream countries often refer to the principle of absolute territorial sovereignty when advocating their plans to unilaterally use water flows; and downstream countries support the principle of absolute territorial integrity because it renders their water flows unaltered. Only 16 out of 35 countries needed for the Convention to enter into force have ratified, accepted, approved or acceded to it (Dinar, Dinar, McCaffrey, and McKinney 2007). Solid basin-wide cooperation requires the unanimous commitment to the principle of equitable utilization of watercourses enshrined in the Convention and the subsequent participation in the benefits derived from the water by all communities sharing the basin.

The UN Convention encourages the institution of international water regimes to initiate and sustain water sharing and protect the environment. Currently, there are different perspectives as to how international water regimes are founded. According to a realist perspective, international water regimes form because of a sharp asymmetry in the military and economic power among states. Consequently, international regimes are created to serve the interests of hegemonic powers and when their potentials decline, regimes weaken and collapse. In contrast, neoliberals contend that international regimes come into being as a result of demand. While different situations exhibit various forms of cooperation with varying degrees of coercion, the demand for regimes is always present where a river is shared by at least two countries.

A comprehensive water regime needs to include a wide array of solutions so as to accommodate the diverse interests, strategies and values. Dinar and Wolf (1997) argue that economic efficiency alone is not sufficient for cooperation, especially when it is related to the allocation of a scarce resource, such as water. Furthermore, the authors develop a framework for analyzing the economic and political aspects of cooperation and demonstrate, using the case of trading Nile water, how regional cooperative arrangements based only on economic considerations are inferior to arrangements that likewise take into account political considerations.

Just and Netanyahu (2004) discuss cooperation in the context of a multiriparian river basin. According to them, coalitions are more sustainable when they incorporate a smaller number of players, rather than a larger number. This may be relevant in cases where cooperation is lacking, yet a large number of riparians can make treaty formation difficult, if not impossible. The authors argue that multilateral coordination in river basins with a large number of riparians may have to be preceded by bilateral agreements first – since they are easier to sustain. Nevertheless, bilateral treaty formation can be conducive to the alliance-building processes within a basin, whereby states or groups thereof can become confronted on water issues. By and large, bilateral treaty formation occurs between countries similarly positioned in terms of geopolitical influence or where the convergence of their strategic and economic interests is significant. Otherwise, a grand coalition incorporating all river riparians is the solution. However difficult to accomplish, it is associated with the highest total benefit from cooperation.

The Assessment of Conflict Probability in the Aral Sea Basin

With the demise of the Soviet Union, Central Asia became engulfed in the cycles of interstate disputes related to the utilization of regional waters. The Amu Darya and the Syr Darya Rivers have become the main sources of contention after the five republics gained their independence and the central authority in Moscow was no longer responsible for handling the regional water affairs. Common ideological and political goals gave way to sovereign nation-building projects in which water is used as a strategic instrument of exerting the political pressure on the neighboring states and an impetus for economic growth and social development. The rivers are now part of intensive debates between upstream and downstream nations.

The Aral Sea Basin is formed by two of the largest rivers of Central Asia – the Amu Darya and the Syr Darya. The source of the Amu Darya is largely in Tajikistan, with a few watercourses originating in northeastern Afghanistan. The Syr Darya originates mainly in Kyrgyzstan. The Basin covers the areas of Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, as well as the southern part of Kazakhstan and the northern part of Afghanistan and Iran (Dukhovny, Sokolov and Mukhamadiev 2006). Tajikistan contributes 80% of the flow generated in the Amu Darya river basin, followed by Afghanistan (8%), Uzbekistan (6%) and Kyrgyzstan (3%). Turkmenistan and Iran together contribute around 3%. Although it carries less water than the Amu Darya, the Syr Darya is the longest river in Central Asia. It flows from the Tien Shan Mountains, along the borders of and across four states – Kyrgyzstan, Uzbekistan, Tajikistan and Kazakhstan – before flowing into the Aral Sea. Kyrgyzstan contributes 74% of the river flow, followed by Kazakhstan (12%), Uzbekistan (11%) and Tajikistan (3%). Both rivers

have an extended network of dams, reservoirs and irrigation canals, resulting in one of the most sophisticated water systems in the world.

The old Soviet water sharing system remained in place until recently when the countries became confronted with the sky-rocketed world prices on fossil fuels and when the old system of barter deals proved inefficient devoid of the central command authority. The inability to purchase natural gas from abroad forced Kyrgyzstan and Tajikistan to switch in the operation of their main water reservoirs from irrigation to power generation. This resulted in a change of the natural regime of the Amu Darya and the Syr Darya rivers. Winter floods became frequent and river runoff during the vegetation period was considerably reduced. This resulted in the reduction of the productivity of irrigated areas and increased the economic losses in irrigation farming in Uzbekistan and Kazakhstan, especially during low-water periods.

Today, water policies are antagonizing neighbors and in some cases leading to conflict. Current water management practices, where each state is exploiting water at the expense of its neighbors while paying no respect to cooperation, are not sustainable. Soviet engineers designed the water regulation system in such a way as to provide downstream Uzbekistan and Turkmenistan with sufficient amounts of water during their crop seasons in the summer, whereas the hydroelectric facilities in the territories of upstream Tajikistan and Kyrgyzstan were intended to control water flows, generate electricity and prevent flooding. Downstream riparian nations were the core of the Soviet plans of expanding their agricultural productivity, mainly through water-thirsty crops – cotton and rice. The gargantuan river diversion projects that were intended to feed the extensive irrigation networks ultimately led to the most devastating environmental and

social impacts in the entire Aral Sea Basin. The fourth largest lake in the world had lost two-thirds of its original volume in a matter of few decades. Accompanied by the disintegration of the Soviet Union, it led to severe economic impacts for the nations of the region. Industries and communities that depended on the sea vanished and competition for increasingly scarce water has been rising among the growing populations ever since. The aspirations of the Soviet leaders to surpass the West during the Cold War by all means, including human and environmental, resulted in enormous costs that continue to plague the entire region.

By early 1980s, the Soviet Union became the second largest cotton producer in the world, accounting for nearly 20 percent of the world's production. To achieve economic growth, Soviet planners thus allocated most of the available water resources in Central Asia to develop and support a monocrop economy, not taking into account the social costs in terms of the health of the population and the consequences for the environment (Weinthal 2002). Allouche (2007) claims that the Central Asian water crisis is more the result of bad management and disproportionate allocation among the riparians than the consequence of scarcity. The deeply flawed management system, endemic corruption, poor irrigation networks, weak governance structures, absence or lack of political will and a reduction in external involvement and investments all contribute to and exacerbate the crisis in the Aral Sea Basin.

While outright resource wars have been avoided, the five nations have been at odds with each other adopting a zero-sum attitude – each country acts to maximize its water allocation to either sustain high levels of cotton cultivation or produce excess amounts of hydroelectricity for exporting purposes without reference to regional needs,

planning, or the consequences to the environment of the basin. Cotton cultivation evolved into the dominant economic activity in Turkmenistan, Tajikistan, and Uzbekistan. In Uzbekistan alone, the cotton sector produced more than 65 percent of the republic's gross domestic output, consumed 60 percent of all resources, and employed approximately 40 percent of the labor force by the mid 1980s; the republic accounted for approximately two-thirds of the cotton produced in the Soviet Union (Weinthal 2002).

The countries of Central Asia are among the poorest in the world in terms of their GDP and per capita incomes. The majority of the population in the republics is employed in the agricultural sector and is highly dependent on subsistence crops. The aspirations of upstream countries to increase their hydropower generation capacities by constructing massive dams and power generation facilities without a proper consideration of the potential environmental and political effects threatens to disrupt the existing regional agreements and lead to conflicts. The Rogun dam, in Tajikistan, is planned for a height of 335 meters. The construction started in 1976, but never finished since the break-up of the Soviet Union and Tajikistan's subsequent civil war brought construction to a halt in 1991. Now the Tajik government plans to complete the project without regard to the principles enshrined in the UN framework convention. Unilateral diversion of river flow will diminish the existing level of cooperation in the region and lead to contention. The construction of the Rogun dam, which Tajikistan sees as the only viable solution to the ongoing economic recession, will substantially reduce the river flow in downstream countries. The dam is being built on the Vakhsh River. It includes other riparian states that might be seriously affected by the disruption of river flow.

The impounding of a reservoir behind a dam generally reduces the water flow downstream to zero. It is during this period that conflicts are most likely to erupt. For instance, the impounding of the Ataturk Dam in Turkey impeded the water flow of the Euphrates River in Syria and Iraq for one month. Although no open military conflicts occurred over that period, the countries officially protested unilateral undertakings of such nature. Water facilities can become targets for airstrikes and ground military operations that may well escalate into a large-scale interstate war.

However, even if Tajikistan were able to attract the necessary investments for the projects, the country would encounter significant problems in selling the surplus power generated, as the current electrical energy grid in the region is focused in Tashkent, the capital of Uzbekistan. To resolve this problem, Tajikistan is teaming up with Kyrgyzstan to create a north-south transmission line to link the two states with Kazakhstan and bypass Uzbekistan altogether (Allouche 2007). Most recently, Tajikistan's government launched the Initial Public Offering (IPO) to facilitate nation-wide investments for the Rogun power plant project. International donor organizations and external state actors refuse to invest in such projects as they tend to destabilize the political situation and create environmental hazards.

Large-scale unilateral construction projects on rivers can be vulnerable to attacks by the opposing countries, such as in case of Israel and Syria. Israel conducted airstrikes against targets in Syria when it attempted to disrupt the water flow to Israel by building dams on the Jordan River. Once built, however, dams act as deterrents of interstate conflict. Massive hydroelectric facilities, such as dams, are large enough to pose an enormous environmental threat to the entire region in case of destruction or significant

damage. As a result, a protective aura of illegitimacy also develops to make attacks on these targets less likely after they are built. For example, although the Israelis have stated that they do not regard the Aswan High Dam as off-limits to military attack, they are aware of the enormous price they would have to pay in international condemnation, costs to the ecosystem and populations of the basin. If such a major hydro installation were attacked, the reaction on the part of the victim would be extreme. Therefore, large-scale hydro facilities probably restrain conflict, yet if attacked, they seriously aggravate it. Upstream countries have not been able to produce sufficient amounts of hydroelectricity because the water levels in their reservoirs remained low as a result of climatic changes in the basin. The degrading water supply system will soon become inoperable, if further investments are not secured to finance their reconstruction and replacement. The population of Central Asia is expected to double in the next fifty years. Unilateral development projects on rivers can only aggravate water scarcity and provoke some form of hostility. Therefore, it is highly important to make a special consideration not only of the potential dangers to the environment, but also of the social and economic costs that such projects are likely to produce across the border.

Weinthal (2002) asserts that international aid organizations and INGOs had contributed to enhancing the regional cooperation and reinforced the republics' sovereignty in early to late-1990s. According to her, the absence of substantial interstate water conflicts in the region after the dissolution of the Soviet Union can be explained by the desire of the elites in the five republics to consolidate statehood through the accumulation of credibility and international recognition. In other words, it was in the national interests of all republics to cooperate on water issues. The active role of the

international community in the form of IOs and NGOs impels institution building at both the international and the domestic level by simultaneously inducing cooperation and reinforcing empirical sovereignty. ~~—~~If these transnational actors did not behave purposively and assume such a comprehensive role, other outcomes might have transpired such as inertia, a different form of state building, or a lack of cooperation” (Weinthal 2002, 67).

However, now that the states have gained a degree of international recognition, they more often tend to ignore the principles set forth in the 1992 Almaty Declaration. Efforts to institute an effective regional water governance system have proved ineffective, and increasing tensions are threatening regional security. Without genuine cooperation in the region, one might expect political and economic instability, and increased local violence. The 1992 agreement on water sharing in Central Asia represented a quick response to a very fluid and ambiguous situation. It did not constitute sustainable environmental cooperation among independent actors with well-defined interests. Weinthal (2002) explains the initial success of cooperative efforts as inertia – ~~not~~ wanting to disrupt from past practices, especially since the leaders were essentially concerned with bringing in the cotton harvest” (p. 125). The Almaty Agreement established the Interstate Commission for Water Coordination (ICWC), which was composed of the five ministers of water management. The ICWC has a number of deficiencies that inhibit the functioning of the organization in an adequate fashion. The most important one is that this institution has been created under a strong influence of international organizations and states have been quite reluctant to cooperate thereafter. The result is that many commitments and agreements are not honored. Another problem

lies in the structural nature of the organization, flawed representation scheme, and the location of the headquarters in Uzbekistan, making it appear as a special-interest institution.

Water Tensions in South Asia

The Ganges-Brahmaputra-Meghna River basin covers the areas of China, India, Bhutan and Bangladesh. The GBM basin is the most populous area in the world with a population density of around 700 per sq. km. The basin as a whole, covers approximately 1% of the Earth's total land surface, is home to 10% of the world's population and contains the largest concentration of poor on the planet (Giordano, Giordano, and Wolf 2002). Moreover, the region experiences one of the highest population growth rates in the world. Political collisions and military conflicts among nations have become common after the partition of the British India into the independent states of India, Pakistan and Bangladesh.

Water occupies a critical niche in the domestic economies of all countries and the demands for freshwater resources will undoubtedly increase along with the rising consumption. –Agriculture accounts for nearly one-half of all freshwater usage in the basin, making water supply one of the most significant barriers to economic development” (Dinar, Dinar, McCaffrey, and McKinney 2007, 254). The GBM system is considered to be one transboundary river basin even though the three rivers of this system have certain distinct characteristics and flow through very different regions for most parts of their lengths. The disproportionate spatial and temporal distribution of water flows results in some adverse environmental effects. For instance, during the monsoon season,

from June to October, there is abundant water, but during non-monsoon months the countries become water-stressed (Rahaman 2006).

The conflict over the Ganges water between Bangladesh and India dates back to 1951 when India decided to construct the Farakka Barrage in order to divert water from the Ganges to the Hooghly River by a 42-kilometer long feeder canal (Rahaman 2006). The unilateral diversion of the Ganges water by India at Farakka Barrage has caused a series of adverse environmental and ecological problems in Bangladesh (Khalequzzaman 1993). The Farakka Barrage gave India significant control over the water flow in Bangladesh. Since most of Bangladesh's water sources originate outside its territory, it became vulnerable to any quantitative and qualitative impacts caused by actions in India. These impacts include shortage of water flow in the dry season affecting irrigated agriculture and devastating floods in the wet season. The Farakka Barrage has contributed to 50% decline in the dry season flow of the Ganges in Bangladesh (Dinar, Dinar, McCaffrey, and McKinney 2007). Wilson questions the utility of the Farakka Barrage:

It is difficult to tell how far it has contributed to the increase in the draught of the Hooghly, but it has not rescued Calcutta Port. The decline of the port was not caused by physical constraints on the river, but by the slow rate of industrial growth in the hinterland of the port. (Crow, Lindquist, and Wilson 1995, 158)

India prefers to negotiate water sharing with its neighbors bilaterally whose leaders have signed separate treaties, agreements and memorandums with Nepal, Bhutan and Pakistan on water sharing of the Ganges, Brahmaputra and Indus rivers, respectively.

Bangladesh prefers the involvement of all riparians in the designing of a regional water resources development plan. Bangladesh, as a weaker nation, has long been trying to attract the attention of the international community to the problem of deficient water supplies as a result of India's actions upstream. The lack of a workable management plan for water allocation to Bangladesh has created a situation where irrigation of crops and navigation are impossible during the summer months. Although the 1995 Water Treaty between India and Bangladesh explicitly upholds the principle of equitable and reasonable utilization of water supplies, the Treaty does not provide any mechanism to approach other riparian countries of the Ganges basin for finding out a long-term sustainable solution of the current crisis and for integrated management of the basin (Rahaman 2006). In addition, the Joint River Commission has not been equipped with a significant political authority and responsibility to implement the terms of the Treaty. This constitutes a serious impediment to the achievement of a solid bilateral cooperation between the two countries. There remains little doubt that if countries like India remain reluctant to discuss or address the question of water allocation on a multilateral basis, problems of water scarcity will persist and populations will be facing even greater economic challenges. This can threaten the regional peace and lead to internal instability, growing terrorist activities and international conflicts. It is essential for the hegemonic countries to engage in the multilateral negotiation of allocation and regulation of shared water resources.

Cooperation over the Indus River between India and Pakistan is a demonstration of the potential for collaborative action yet to be explored in the GBM basin. Despite the cycles of interstate hostility between the two countries, nuclear test explosions, ongoing

terrorist activities in the region, the Indus Water Treaty remained intact and continued to function. The agreement over the Indus River allowed for the division of the river's tributaries between India and Pakistan. The nature of the agreement and the involvement of the World Bank in the negotiation of the Treaty contributed to building cooperative relations between the two countries. In the end, the World Bank became signatory to the Indus Water Treaty.

Collaboration between Bhutan and India represents a salient example of how transboundary water bodies can be used as an engine for economic growth or development of an impoverished region with concomitant benefits to each country (Biswas 2008). Following water cooperation initiatives have meant that Bhutan's per capita GDP has increased from being the lowest of any South Asian countries in 1980s, to being the second highest in the region at present, within a very brief time span of only a little more than two decades (Biswas 2008). Many experts suggest that exploring Nepal's extensive hydro potential collectively could boost the regional welfare. Bhaduri proposes that a market-based water transfer has great relevance in resolving the transboundary water conflict between India and Bangladesh (Bhaduri and Barbier 2003). Water transfers from Nepal would augment the flow of water at Farakka during dry seasons and periods of drought.

Ultimately, the efforts to eradicate terrorism and diminish interstate hostility will largely depend on how well all countries of South Asia and the international community will commit themselves to addressing the problems of endemic poverty, low living standards, lack of access to adequate water supplies and the spread of disease by

promoting a cohesive and joint water regulation system. India's cooperation in addressing the regional economic challenges is of foremost importance for success.

The Dynamics of Water Tensions in the Tigris-Euphrates River Basin

The Tigris and the Euphrates river systems are often considered to form a single basin because both rivers in the Shatt-al-Arab waterway converge shortly before emptying into the Persian Gulf. Both rivers originate in Turkey, traverse Syria and Iraq. The Euphrates River is the longest in the Middle East. It originates in the eastern part of Turkey, between Lake Van and Black Sea. It is estimated that 40% of the Euphrates River is confined by Turkey's boundaries, while 25% is in Syria and 35% in Iraq. According to Akanda, Freeman, and Placht (2007), disputes over water allocation between the three countries are likely to aggravate in the future. Driven by a number of objectives, the riparian countries have often been at odds over the utilization of the Euphrates River waters. Food and energy security are the primary concerns for Iraq and Turkey. Population growth amplifies the demand placed on food and energy supplies and increases the prospect of further discontent over the existing water allocation quotas. Both Syria and Iraq have announced their goals of developing food sufficiency programs, whereas Turkey's hydro-energy development plans threaten to undermine any of the proposed downstream projects without a joint consultation and management strategy.

Being an upstream country, Turkey enjoys a substantial degree of control over the Tigris and the Euphrates Rivers. The initiation of the Southeastern Anatolia Project (GAP) by Turkey has created exceeding pressures on the water system of the rivers. The project includes the construction of 22 dams, 19 hydropower plants and irrigation facilities to serve 1.7 million hectares of land, totally owned by the local population of

the region (Kibaroglu and Unver 2000). Turkey aspires to reduce the dependence on expensive fuel imports by producing at least 40 percent of its required energy from domestic hydroelectric sources. The GAP hydroelectric project was expected to save the country about 28 million tons of oil imports annually. In 2001, Syria and Iraq were net exporters of fuel as opposed to Turkey, which, significantly had to import approximately 63 percent of fuel (Akanda, Freeman, and Placht 2007). Turkey's leaders often refer to the country's hydro resources as their only natural assets; in the same manner oil is treated in Iraq and Syria. As was mentioned earlier, claiming absolute rights on river flows poses dangers to international peace in the region. Turkey's leaders contend that while the water is in Turkish territory, it is the sole property of Turkey. Turkey may choose to obstruct, divert, sell or even share it, but the water flows remain the exclusive property of Turkey just as oil is the property of the Arab state in which it sits. –However, as the modern move away from the Harmon Doctrine and recent internationally adopted definitions of watercourses illustrate, the comparison drawn between Arab oil and the waters of the Euphrates-Tigris is inaccurate” (Hakki 2006, 9). –The loss of one-half and two-thirds of Iraqi and Syrian water supply, respectively, from the Euphrates Basin is a viable cause for alarm” (Hakki, 2006, 4).

Turkey is the only country in the Euphrates basin to not have signed the UN Convention on the Non-Navigational Uses of International Watercourses. According to sources in Turkey, if signed, the Convention would give the other riparian nations a veto power over Turkey's development projects. The GAP project has strong political implications since it aims to develop the part of the country mainly populated by ethnic

Kurds. This would enable the Turkish elites to consolidate their rule throughout the nation and eliminate all forms of dissent.

Syria and Iraq insist on the equal division of waters of both rivers, while Turkey contends that the equality approach would not meet its energy and agriculture needs and instead proposes an equity-centered solution. Turkey's leaders maintain that their population demands are higher than in the neighboring countries; therefore, pursuing higher water allocations from the Tigris-Euphrates system is in line with international normative standards.

Ultimately, it is probable that Turkey will be compelled to negotiate a feasible water agreement in order to secure a peaceful regional environment. International peace is the essential condition for promoting the domestic economic growth and development – the fact that the leaders of all riparian countries have to accept and achieve. More importantly, Turkey is obliged to engage in the trilateral talks concerning appropriate water allocations in order to secure external funding and membership in the European Union. Syria and Iraq are also expected to participate in the water negotiations in order to win the international trust and recognition in the wake of the internal political instability in these countries. The riparian countries have a full potential to stimulate the processes leading to the formation of a basin-wide economic system and an integrated water management structure whose underlying goal would be to promote the sharing of benefits among nations. Enhanced trade links will inevitably reduce interstate hostility and suspicion. It will be important to include Iraq in any of the cooperative arrangements so as to foster a basin-wide effort. Interdependency links engendered by a collective management of water will assist in the transition processes in Iraq and help build a solid

market economy and free society there after decades of political turmoil. Hakki (2006) asserts that —one way in which Turkey might contribute to alleviating the water dispute with Syria and Iraq is through exportation of electricity through bargain prices” (p. 16). In return, the countries can supply oil and gas to Turkey and receive sufficient amounts of water for irrigation and consumption.

Experience suggests that external actors, whether countries or international organizations, can be instrumental in initiating a dialogue between the three countries. Akanda, Freeman, and Placht (2007) propose that —only an external mediator has the ability to highlight the incentives and frame the issues in such a way that each country believes it has something to gain by coming to the table and something to lose by avoiding negotiations” (p. 5). Each country has put forward an approach for how water should be shared in the region. Syria and Iraq propose the vastly different methodology of sharing river flows. The task for the mediators would be to reconcile these diverging approaches to shared rivers.

Conclusions and Implications for the Future

The case studies examined in this article demonstrate that unilateral diversion of rivers can provoke political and military tensions and destabilize the economic security in drainage basins. Water scarcity will add fuel to interstate contention and instigate water wars absent proper precautionary measures. Population growth, environmental deterioration and climate change conditions may diminish the quality and quantity of potable water, result in natural disasters of even greater magnitude and further increase a social discontent across the planet. Under these adverse circumstances, unilateral diversion of water flows can ignite international conflicts and lead to significant human

and environmental losses. The unprecedented global population growth will inevitably stimulate the competition for freshwater and create extreme pressures on governments, under which it will be difficult to ignore the interests of all riparian nations while pursuing sovereign economic interests associated with the exploitation of water flows.

Many studies related to water resources underscore that disputes over freshwater tend to fall short of conflicts and generally result in a peaceful resolution. Yoffe et al. (2004) found that international relations over freshwater resources are overwhelmingly cooperative and cover a wide range of issue areas, including water quantity, quality, joint management and hydropower. However, in the future, certain river basins may be more likely to give rise to interstate hostility than others because of record-breaking population and poverty growth rates. The falling availability of freshwater on a per capita basis in the developing world can easily provoke a social discontent and lead to a large-scale warfare between and within countries. It is therefore imperative to direct more resources and potential into these regions in order to mitigate these dire situations, promote and sustain multinational water regimes and the sharing of benefits from the collective exploitation of water flows.

Unilateral practices of water diversion are conducive to inequitable distribution of water quantities which provides fertile ground for contention and conflict among nation-states and social groups. Social and economic security of populations is essential for promoting and sustaining peace in river basins. Inequitable distribution of water among states fosters perceptions of injustice and situations of insecurity among populations of river basins and results in ways of seeking redress that go beyond the limits set forth by international legal norms and treaties. State policies have to aim to promote the rights of

populations to freshwater and to the benefits from the exploitation of water flows not only within the territorial confines of their nation-states but also with an eye on the needs for water across their borders so as to achieve a basin-wide peace and sustainable economic development. Since peace is the essential condition for the long-term development and stability, states have to increasingly accommodate the interests of all the populations inhabiting a river basin as it will maximize the benefits of multinational water treaties and reinforce a political stability.

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